



ORANGE COUNTY PUBLIC WORKS DEPARTMENT
OC PLANNING
300 N. FLOWER STREET
P. O. BOX 4048
SANTA ANA, CALIFORNIA 92702-4048

POSTED

JUN 07 2010

TOM DALY, CLERK-RECORDER

By [Signature] DEPUTY

NOTICE OF PREPARATION

DATE: June 4, 2010

SUBJECT: Notice of Intent to Prepare Draft Supplemental Environmental Impact Report 608 to FEIR # 401

Project Title: Coto de Caza Specific Plan Amendment/Tentative Tract Map 17325

Applicant: Khalda Development, Inc.

Address: 22861 Tindaya, Mission Viejo, CA 92626

Project Contact: Ron Tippets

Phone: (714) 667-8856

The Orange County Public Works Department (OCPW), General Community Planning Unit has conducted an Initial Study for the subject project and has determined that a Supplemental Environmental Impact Report (SEIR) is necessary. The County of Orange will be the Lead Agency for the subject project and will prepare the SEIR. In order for the concerns of your agency to be incorporated into the Draft SEIR, we need to know the views of your agency as to the scope and content of the environmental information relevant to your agency's statutory responsibilities in connection with the proposed project. Your agency must consider the SEIR prepared by the County of Orange when considering your permit or approval for the project. The project description, location, and an analysis indicating the probable environmental effects of the proposed action are contained in the attached materials. Interested individuals and groups are also invited to comment on the scope of the anticipated SEIR.

Pursuant to Section 21080.4 of CEQA, your response must be sent as soon as possible but ***not later than 30 days after receipt of this notice.***

All parties that have submitted their names and mailing addresses will be notified if any significant changes in the proposed project occur. If you wish to be placed on the mailing list, please submit your name and mailing address to the contact person at the address below. If you have any questions or need additional information, please call the Project Contact of the General Communities Planning Unit (GCPU) at the number listed above. The mailing address is OC Public Works Department, OC Planning, P.O. Box 4048, Santa Ana, CA 92702-4048.

Submitted by:

[Signature]

Name: Mike Balsamo

Manager, General Communities Planning Unit

Attachment:

Initial Study No.PA090036



INITIAL STUDY

PROJECT TITLE: Coto de Caza Specific Plan Amendment/Tentative Tract Map 17325

PROJECT NUMBER: PA090036 **LEAD DIVISION:** General Communities Planning Unit

INITIAL STUDY NUMBER: PA090036

PROJECT PLANNER: Ron Tippets

PHONE: (714) 667-8856

CEQA PLANNER: Chris Uzo-Diribe

PHONE: (714) 667-8845

PROJECT APPLICANT: Khalda Development

ADDRESS: 22861 Tindaya
Mission Viejo, CA 92626

PHONE: (949) 830-3444

PROJECT DESCRIPTION: The proposed project consists of subdividing the 127-acre "Hunt Club" parcel (located within Planning Area 10 of the Coto de Caza Specific Plan) into several open space lots and seven (7) rural residential estate lots, together with the existing recorded access road (Lot "C" which encompasses approximately three acres). An access road and utilities to serve the estate lots are also proposed to be extended from Van Gogh Way off-site and west of the property to the proposed single-family residential subdivision. Building pads within each estate lot would be created; however, the completion of homes and appurtenant facilities would occur incrementally on a lot-by-lot basis. Preservation and restoration of habitat areas to offset habitat losses resulting from the construction of the access road, building pads and anticipated future fuel modification/brush management areas surrounding each home site will occur within designated areas within the open space lots. Project implementation will necessitate the approval of: (1) A Specific Plan Amendment from OS "Open Space" to RHE "Residential Hillside Estate"; (2) A new Subdivision Map (TTM 17325); and (3) Modification to an existing Grant of Easement for Parcel Map 89-107. Other ministerial actions for grading permit(s), improvement plans, record maps and easement recordings will occur as routine actions following the orderly approval of the entitlements described above.

PROJECT LOCATION: Planning Area 10/Coto de Caza Specific Plan

DECISION MAKER: Board of Supervisors

SOURCES OF INFORMATION: 1. FEIR 401 2. Coto de Caza Specific Plan 3. Southern Sub region NCCP Implementation Agreement

RESPONSIBLE/TRUSTEE AGENCIES INVOLVED: U.S. Fish & Wildlife Service

LAND USE ENTITLEMENT SUMMARY:

General Plan Land Use Designation: 1B -Suburban Residential

Zoning: Specific Plan

PREVIOUS ENVIRONMENTAL DOCUMENTATION (If Applicable): Final EIR No. 401

INITIAL STUDY DATE: May 25, 2010

TTM 17325/Coto de Caza Estates Orange County, CA

Project Description

Project History

The Coto de Caza Specific Plan was approved by the Orange County Board of Supervisors in 1982. The Coto de Caza Specific Plan can be described as a 4,929 acre specific plan with 6,268 approved residential units and 1,581 acres of open space (approximately 33% of the entire specific plan) preserved in a rural residential portion of Canada Gobernadora where the primary riparian spine flows naturally through two golf courses and interconnecting corridors of open space which are connected to two prominent ridgelines whose protected shoulders define and separate Coto de Caza in its own special planned community. Over the past 20 years only 4,937 units have been constructed within Coto de Caza, leaving 1,331 units (more than 20%) not planned to be built. Planning Area 10 (where the proposed project lies) is a 684-acre rural residential neighborhood covering a little less than 15% of the community. The adopted Coto de Caza Specific Plan designates Planning Area 10 as Rural Residential and Open Space that encompasses 684 acres, including 306 acres of Rural Residential area and 378 acres of Open Space. To date, 188 units of the 197 approved rural residential dwelling units have been constructed within Planning Area 10. The commitment to open space within Planning Area 10 as a result of the proposed project will exceed the approved open space acreage by more than 50 acres (i.e. almost a 15% increase in open space)

Project Description

The proposed project consists of subdividing the 127-acre "Hunt Club" parcel (located within Planning Area 10 of the Coto de Caza Specific Plan) into several open space lots and seven (7) rural residential estate lots, together with the existing recorded access road (Lot "C. which encompasses approximately three acres). An access road and utilities to serve the estate lots are also proposed to be extended from Van Gogh Way off-site and west of the property to the proposed single-family residential subdivision. Building pads within each estate lot would be created; however, the completion of homes and appurtenant facilities would occur incrementally on a lot-by-lot basis. Preservation and restoration of habitat areas to offset habitat losses resulting from the construction of the access road, building pads and anticipated future fuel modification/brush management areas surrounding each home site will occur within designated areas within the open space lots. The remaining open space lots will be marketed as "mitigation parcels" to off-set habitat impacts resulting from other projects, either through the formal establishment of a "mitigation bank" or on a less formal "*ad hoc*" basis. Regardless of when future mitigation transactions occur, all open space lots shall be preserved as open space in perpetuity as part of the project.

Under the adopted Coto de Caza Specific Plan, a total of up to 6,268 dwelling units was approved; however, only 4,937 homes have been built to date. Planning Area (PA) 10, where the property is situated, was approved for up to 197 dwelling units; only 188 homes have been built. Consequently the 7 dwelling units proposed by the applicant fall within the maximum

development limit approved by the County and do not require an increase to the total number of units for either PA 10 or the overall Specific Plan.

Nonetheless, the proposed project requires an amendment to the Coto de Caza Specific Plan to change the type of development authorized on the parcel from recreational to rural residential and to delineate specifically which areas within the parcel are to remain undeveloped (the present designation limits the total amount of development that can occur within the parcel but does not delineate where development/preservation is to occur). In addition, whereas the current Specific Plan designation and development criteria allow for a maximum of 19 of the 127-acre property (15%) to be developed with "impervious surfaces" (i.e., roads, driveways, rooftops and hardscape areas) and no limits are placed on how much acreage could be subject to grading or clearing, the proposed revision will limit the amount of impervious surfaces to no approximately 9.8 acres (7.5%) and the total acreage subject to grading/clearing to approximately 15 acres (11.5%).

In addition to the 7 single-family residential lots and extension of the access road and utilities, the applicant is also proposing a project design feature that includes the restoration of coastal sage habitat on-site and in nearby areas as compensation for the areas impacted by the grading necessary to extend the access road and to prepare the building pads for the proposed single-family residential development. This project design feature is described below.

Several areas have become overgrown with ruderal and non-native species as a result of the historic use of the site for cattle grazing. In addition, areas within the limits of the subject property have also been adversely affected by vandalism and off-road activities, resulting in impacts to the coastal sage scrub vegetation in portion of the site. These areas can be rehabilitated and restored to coastal sage habitat using restoration and enhancement techniques that have been successful in other areas of the County. In order to ensure that potentially significant impacts to the coastal sage scrub habitat are avoided, the proposed project includes the implementation of the restoration and enhancement of 11.06 acres of coastal sage scrub habitat prior to the issuance of a grading permit. No grading or development within TTM 17325 would be permitted until the restored/enhanced coastal sage scrub habitat has been established pursuant to the parameters prescribed by the USFWS prior to any ground disturbance associated with the development of the proposed residential dwelling units and access road.

Project implementation will necessitate the approval of following discretionary actions by the Orange County Board of Supervisors:

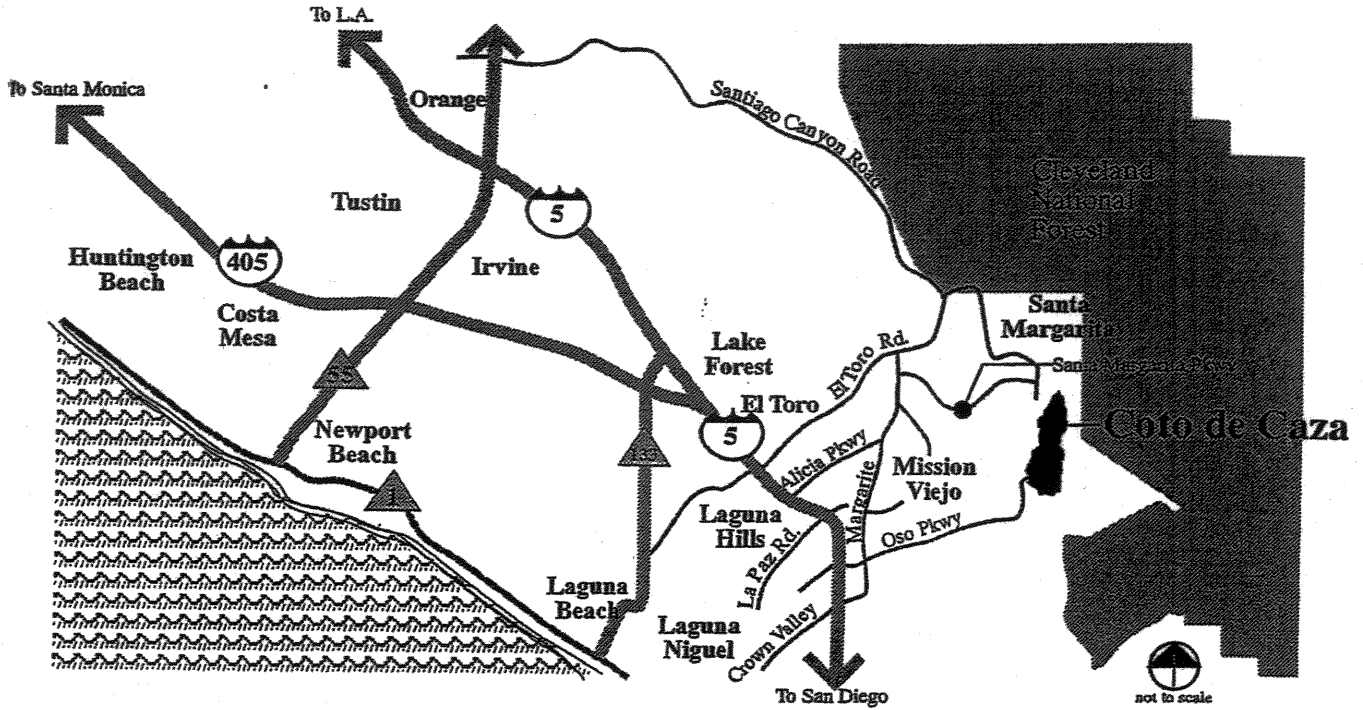
1. Zone Change/Specific Plan Amendment (map change only; no text change is required)
2. Subdivision Map (TTM 17325)
3. Modification to an existing Grant of Easement for Parcel Map 89-107

4. Other ministerial actions for grading permit(s), improvement plans, record maps and easement recordations will occur as routine actions following the orderly approval of the entitlements described above.

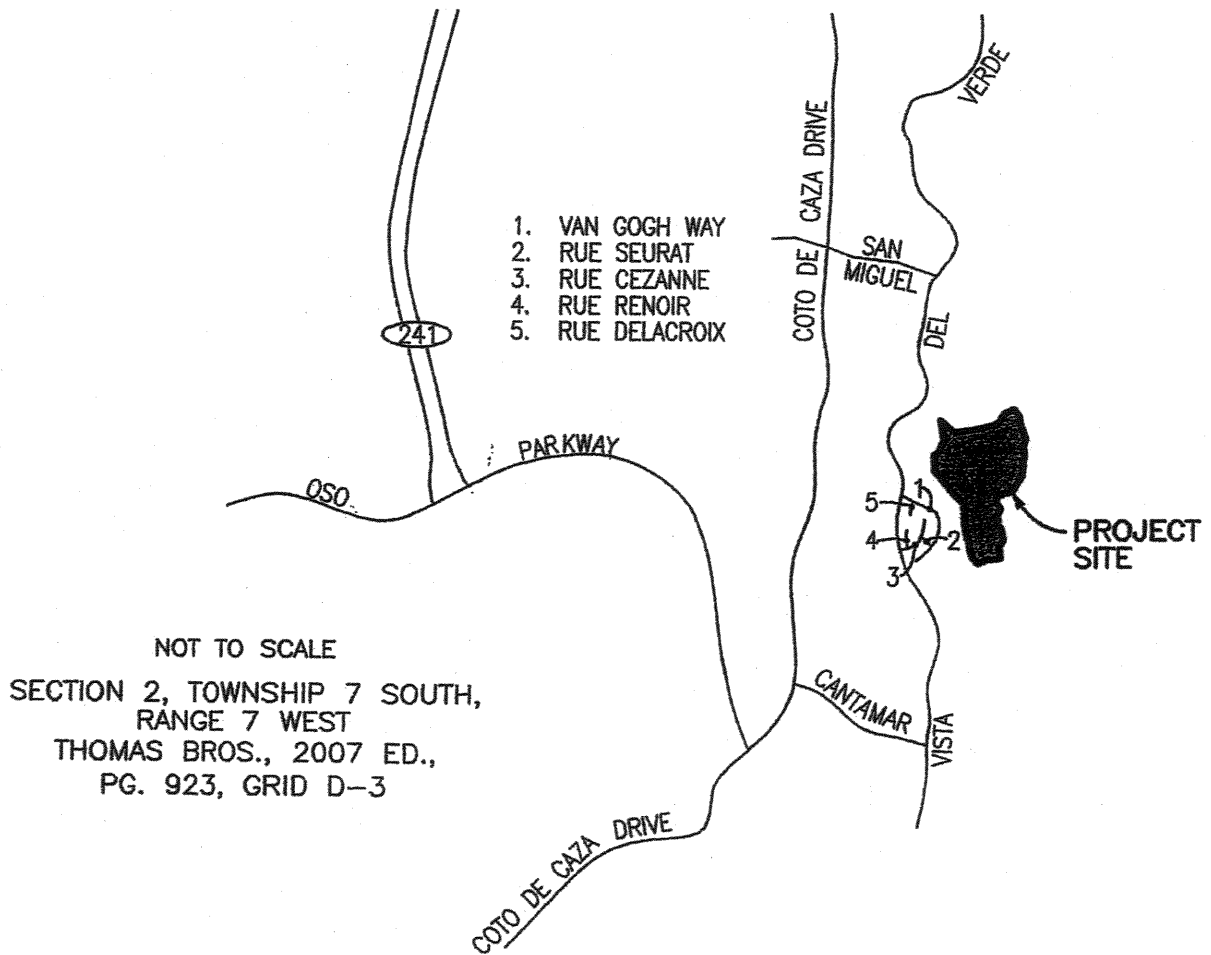
Concurrently with the actions described above, there will be coordination with several Resource and Regulatory Agencies, including the U.S. Army Corps of Engineers (ACOE), California Department of Fish & Game (CDFG), California Regional Water Quality Control Board (CRWQCB), and the U.S. Fish & Wildlife Service (USFWS), who act as responsible agencies related to permit approvals required prior to implementation of the proposed project. Pre-application filings will occur with the Resource and Regulatory Agencies that have jurisdiction over certain areas of the project.

The project has been designed to avoid jurisdictional (waters) areas of the ACOE, CDFG, and RWQCB; however, the proposed project will be subject to each of the responsible agencies' independent permit process. With regard to the USFWS and the Endangered Species Act (ESA), the County of Orange is a party to the Implementation Agreement that identifies Coto de Caza (among other properties) as a candidate for an ESA "take" authorization under the provisions of a Certificate of Inclusion (COI), which can be issued by the County of Orange subject to USFWS oversight authority to endorse (or provide conditional approval recommendations) subject to acceptable project design features (as opposed to traditional mitigation which might be proposed for a project like this).

VICINITY MAP



SITE LOCATION MAP



COUNTY OF ORANGE		SHEET NO.
RECORDING TRACT 19333		
LOT LAYOUT CONVERSION STUDY #4		
EMALDA DEVELOPMENT		DATE



ENVIRONMENTAL ANALYSIS CHECKLIST

INITIAL STUDY PA 090036 for the Coto de Caza Project

ISSUES & SUPPORTING DATA SOURCES:

Potential Significant Impact	Less than Significant w/ Mitigation	Less than Significant Impact	No Impact
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1. LAND USE & PLANNING. Would the project:

- | | | | | |
|---|-------------------------------------|--------------------------|-------------------------------------|--------------------------|
| a) Physically divide an established community? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c) Conflict with any applicable habitat conservation plan or natural community conservation plan? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

The proposed project requires an amendment to the Coto de Caza Specific Plan to change the type of development authorized on the parcel from recreational to rural residential and to delineate specifically which areas within the parcel are to remain undeveloped (the present designation limits the total amount of development that can occur within the parcel but does not delineate where development/preservation is to occur). The area is currently occupied by a variety of vegetation communities, including coastal sage scrub habitat, which is currently occupied by the coastal California gnatcatcher. The Draft EIR will evaluate the relationship of the proposed project with the adopted land use plans and policies, including the effect of site development on the sensitive habitat occupying the subject property.

2. AGRICULTURE AND FORESTRY RESOURCES. Would the project:

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Conflict with existing zoning for agricultural use, or a Williamson Act contract? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Result in the loss of forest land or conversion of forest land to non-forest use. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Involve other changes in the existing environment, which, due to their location or nature, could result in conversion of Farmland to non-agricultural use? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

ISSUES & SUPPORTING DATA SOURCES:

Potential
Significant
Impact

Less than
Significant w/
Mitigation

Less than
Significant
Impact

No Impact

Project implementation will not result in the conversion of any prime or otherwise significant farmland. No agricultural use of the property presently occurs. Although the subject property was used historically for agriculture, primarily livestock ranching, it is currently vacant. According to the Orange County Important Farmland Map, the entire area, including the subject property, is designated as "Other Land" which encompasses land "... that does not meet the criteria of any other category." As a result, no portion of the project site encompasses prime farmland, farmland of statewide importance, or unique farmland. Development of the site as proposed will not result in any significant impacts to farmland or other important agricultural resources. The subject property is not zoned for agricultural uses nor included in a Williamson Act contract. Project implementation will not require changes either to the existing zoning classifications nor General Plan Land Use Element land use designations. Therefore, no conflicts are anticipated to occur to existing agricultural uses as a result of project implementation.

The proposed project is not located in an area that is defined as "timberland" and it is not zoned for "timberland production as defined by the Government code. Therefore, project implementation will not adversely affect any forest land or other important timberland. No significant impacts are anticipated and no mitigation measures are required.

3. POPULATION & HOUSING. Would the project:

- | | | | | |
|---|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

The proposed project is consistent with the land uses approved for the Coto de Caza Planned Development applicable to the subject property. Development of the site with seven single-family residential dwelling units in accordance with the adopted long-range plans for the subject property would not result in significant growth and, furthermore, would not result in the potential for unanticipated growth because the project is located in an area that is essentially built out. As "in-fill" development, construction of the proposed project would not necessitate the implementation of new infrastructure such as major roadway improvements and/or the extension of infrastructure that could induce unanticipated growth and development. The site does not currently support existing residential dwelling units so project implementation will neither result in the elimination of existing housing nor the displacement of existing residents. All of the infrastructure, including sewer and water facilities, storm drains, roadways, etc., exist in the immediate vicinity of the project site and can be extended to the subject property. These existing utility and service systems have adequate capacity to serve the proposed project (refer to Section 5.14). Therefore, no significant growth-inducing impacts will occur as a result of project implementation.

ISSUES & SUPPORTING DATA SOURCES:

Potential
Significant
Impact

Less than
Significant w/
Mitigation

Less than
Significant
Impact

No Impact

4. GEOLOGY AND SOILS. Would the project:

a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:

i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii) Strong seismic ground shaking?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv) Landslides?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Be located on expansive soils, as defined in Table 18-1-B of the California Building Code (2001), creating substantial risks to life or property?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal system where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

The site is subject to moderate to strong ground shaking as a result of seismic activity that may occur along one or more of the active regional faults. The nearest active fault is the San Joaquin Hills Blind Thrust Fault; other active faults are also capable of generating seismic events that could affect the property (e.g., Elsinore Fault, San Andreas Fault, etc.). Earthquake-generated ground shaking is the most pervasive and critical earthquake factor in the County and southern California region. Ground shaking is the earthquake effect that results in the vast majority of damage. Although the potential for ground rupture is low, the subject property is located within 50 miles of several known potential sources of potential strong seismic activity, including the San Joaquin Hills Blind Thrust Fault, which is located approximately less than six miles southwest of the site. The main seismic parameters associated with seismic activity include the distance(s) to causative faults, earthquake magnitudes, and expected ground accelerations. Based on the site-specific analysis conducted for the proposed project, it is anticipated that the San Joaquin Hills Blind Thrust Fault is considered to have the most significant potential effect at the site from a design standpoint. As indicated previously, the design earthquake on that fault could be expected to produce a magnitude 6.95 seismic event and a peak horizontal ground acceleration of 0.48g at the site. Secondary effects of seismic shaking resulting from large earthquakes on the major faults in the southern California region that may affect the site include ground lurching, shallow ground rupture, soil liquefaction, dynamic settlement, lateral spreading, seiches, and tsunamis. These secondary effects are considered to be a possibility throughout the southern California region and are dependent on both the distance between the site and the causative fault and the onsite geology. The major active faults that could produce these secondary effects include, but are not limited to, San Joaquin Hills Blind Thrust Fault, Elsinore Fault, and other active regional faults (San Andreas, etc.). The Draft EIR will evaluate the potential adverse soils and geologic effects associated with project implementation.

ISSUES & SUPPORTING DATA SOURCES:

	Potential Significant Impact	Less than Significant w/ Mitigation	Less than Significant Impact	No Impact
5. HYDROLOGY & DRAINAGE. Would the project:				
a) Substantially alter drainage patterns of the site or area including the alteration of the course of a stream or river, in manner which would result in:				
i. substantial erosion or siltation on or off-site	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ii. a substantial increase in the rate or amount of surface run-off in a manner which would result in flooding on- or offsite	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Place within a 100-year flood hazard area structures, which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Implementation of the proposed project will affect approximately 8 acres, or about 6.3 percent of the 126.51-acre property. The site, which has been designed to accommodate the seven single-family residential lots and the private streets, will retain the same drainage patterns that occur in the undeveloped conditions; however, the site, in the developed condition, encompasses a slightly larger area of the site (54.5 acres), which are divided into several drainage subareas. The drainage patterns over most of the developed portions of the site will continue to flow generally to the south and west as in the natural condition. Most of the post-development surface flows will be directed to the two proposed roadways that provide access to the seven residential dwelling units. As indicated above, project implementation will result in an increase in the amount of impervious area, which will result in an increase in the amount of surface runoff generated on the project site. In the developed condition, the Q_{10} runoff is estimated to be 85.6 cfs, compared to the 81.1 cfs in the natural condition (i.e., 5.5 percent increase in the volume). The Q_{100} flow is projected to increase by 6.8 cfs to 136.8 cfs (5.2 percent increase) compared to the volume of 130.0 cfs in the natural condition. The Draft EIR will evaluate the potential increase in surface runoff resulting from project implementation.

No portion of the subject property is located within the limits of a 100-year floodplain as delineated by FEMA. Therefore, project implementation will not result in potentially significant flooding impacts caused by flooding along San Juan Creek. No mitigation measures are required.

ISSUES & SUPPORTING DATA SOURCES:

Potential
Significant
Impact

Less than
Significant w/
Mitigation

Less than
Significant
Impact

No Impact

6. WATER QUALITY. Would the project:

- | | | | | |
|---|-------------------------------------|--------------------------|-------------------------------------|--------------------------|
| a) Violate any water quality standards or waste discharge requirements? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) Have a significant adverse impact on groundwater quality or otherwise substantially degrade water quality? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

The site is under the jurisdiction of the California Regional Water Quality Control Board (RWQCB) for issues related to water quality. As previously indicated, each of the nine California RWQCBs is responsible for adopting and implementing water quality control plans for each basin's water bodies, regulating waste discharges from both point and non-point sources, and monitoring permit compliance within its designated basin. Development of the subject property as proposed will result in substantial landform alteration and a change in the existing drainage conditions on the site. Exposure of the site during grading could result in an increase in erosion that could adversely affect water quality. In addition, the construction of parking lots and other circulation features that accommodate automobiles could also contribute to an increase in hydrocarbon and other pollutant discharges into the surface and ground water features.

Site grading and construction activities that occur as a result of project implementation may result in short-term increases in silt and sediment transport as well as hydrocarbon-based pollutants to downstream locations. However, implementation of the BMPs prescribed in the SWPPP and WQMP that must be prepared for the proposed residential project will ensure that the construction-related impacts resulting from site grading will minimize the amount of silt and sediment that is transported to downstream locations. These potential impacts will be avoided or reduced through the implementation of appropriate BMPs as prescribed in the Orange County DAMP and in the standard conditions previously identified. These measures will be implemented during grading and construction activities. In addition, other standard conditions (e.g., compliance with applicable building code requirements) will further minimize construction-related impacts. Therefore, implementation of the proposed 7-unit residential development will not have a significant effect on water quality as a result of silt and sediment transport.

Although it is anticipated that the concentration of urban pollutants in storm runoff from the grading and construction activities associated with project implementation could increase during the construction phase, the runoff would be controlled through applicable BMPs to minimize discharges of pollutants, including siltation associated with erosion resulting from grading activities. The Draft EIR will evaluate the potential effects of construction and the effectiveness of the BMPs prescribed in the WQMP.

ISSUES & SUPPORTING DATA SOURCES:
**Potential
Significant
Impact**
**Less than
Significant w/
Mitigation**
**Less than
Significant
Impact**
No Impact
7. TRANSPORTATION/CIRCULATION. Would the project:

- | | | | | |
|---|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| a) Result in an increase in traffic, which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) Conflict with an applicable congestion management program, including, but not limited to level of service standard and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| e) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that result in substantial safety risks? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| g) Result in inadequate emergency access? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| h) Result in inadequate parking capacity? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| i) Conflict with adopted policies, plan or programs supporting alternative transportation (e.g. bus turnouts, bicycle racks) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Project implementation will require the extension of an access road from Van Gogh Way into the proposed project site to serve the seven single-family residential dwelling units. The proposed project will result in the generation of about 70 trips per day, including about 7 p.m. peak hour trips on a daily basis. Project-related traffic would enter and exit the proposed residential development from the access road via Van Gogh Way and Vista Del Verde. The number of vehicular trips generated by the proposed project were previously included in the total 58,450 residential trips generated by the Coto de Caza project in Final EIR 401. Essentially all of the circulation improvements determined to be necessary to accommodate the Coto de Caza development have been implemented.

ISSUES & SUPPORTING DATA SOURCES:**Potential
Significant
Impact****Less than
Significant w/
Mitigation****Less than
Significant
Impact****No Impact**

Based on a typical trip generation rate of 10 trips/dwelling unit, the proposed project would generate a total of only 70 daily vehicular trips, including approximately 10 a.m. peak hour trips and 10 p.m. peak hour trips. The estimated 70 potential project-related vehicular trips are less than that analyzed in the traffic analysis prepared for the Coto de Caza Specific Plan; therefore, project implementation will not exceed the trip generation anticipated for Planning Area 10. The number of trips anticipated as a result of project implementation will not conflict with the County's Congestion Management Program and will not adversely affect existing intersections along the existing circulation system serving the project site. In addition, adequate vehicular access is provided to the seven proposed residential lots with the extension of the street from Van Gogh Way. This access road will also provide adequate emergency access. Access to the project will be designed to the standards prescribed in the Coto de Caza Specific Plan, which would avoid potential roadway/circulation hazards. Finally, parking will also be provided in accordance with parking standards established in the Off-Street Parking Regulations of Section 7-9-145 of the Orange County Zoning Code, which have been incorporated by reference into the Coto de Caza Specific Plan. As a result, no significant traffic and circulation or parking impacts are anticipated as a result of project implementation. No mitigation measures are required.

8. AIR QUALITY. Would the project:

- | | | | | |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| a) Conflict with or obstruct implementation of the applicable air quality plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions, which exceed quantitative thresholds for ozone precursors)? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) Expose sensitive receptors to substantial pollutant concentrations? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| e) Create objectionable odors affecting a substantial number of people? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Project implementation will allow for the development of a 126.51-acre site within the Coto de Caza Specific Plan area with seven (7) single-family residential dwelling units on lots that range from approximately 2 acres to 9.24 acres in size on 28.3 acres (including the streets). Landform alteration entails grading approximately 5,000 cubic yards of earth materials that would result in some temporary construction emissions associated with the use of construction equipment and the movement of the dirt within the subject property. Long-term emissions would occur in the form of vehicular emissions and stationary source emissions associated with the consumption of natural gas and electricity. The project-related short- and long-term emissions are summarized below.

ISSUES & SUPPORTING DATA SOURCES:

Potential
Significant
Impact

Less than
Significant w/
Mitigation

Less than
Significant
Impact

No Impact

Short-Term Construction Emissions

Dust is typically the primary concern during construction of new buildings and infrastructure. Because such emissions are not amenable to collection and discharge through a controlled source, they are called "fugitive emissions." Emission rates vary as a function of many parameters (soil silt, soil moisture, wind speed, area disturbed, number of vehicles, depth of disturbance or excavation, etc.). These parameters are not known with any reasonable certainty prior to project development and may change from day to day. Any assignment of specific parameters to an unknown future date is speculative and conjectural.

Because of the inherent uncertainty in the predictive factors for estimating fugitive dust generation, regulatory agencies typically use one universal "default" factor based on the area disturbed assuming that all other input parameters into emission rate prediction fall into midrange average values. This assumption may or may not be totally applicable to site-specific conditions on the proposed project site. As noted previously, emissions estimation for project-specific fugitive dust sources is therefore characterized by a considerable degree of imprecision.

Average daily PM_{10} emissions during site grading and other disturbance are stated in the SCAQMD Handbook to be 26.4 pounds/acre. This estimate is based upon required dust control measures in effect in 1993 when the AQMD CEQA Air Quality Handbook was prepared. Rule 403 was subsequently strengthened to require use of a greater array of fugitive dust control on construction projects. All construction projects in the SCAQMD are required to use strongly enhanced control procedures. Use of enhanced dust control procedures such as continual soil wetting, use of supplemental binders, early paving, etc. can achieve a substantially higher PM_{10} control efficiency. Daily emissions with use of reasonably available control measures (RACMs) for PM_{10} can reduce emission levels to around ten (10) pounds per acre per day. With the use of best available control measures (BACMs) the California Air Resources Board URBEMIS2007 computer model predicts that emissions can be reduced to 1-2 pounds per acre per day. Because of the PM_{10} non-attainment status of the air basin, construction activity dust emissions are considered to have a cumulatively significant impact. Use of BACMs is thus required even if SCAQMD individual CEQA thresholds are not exceeded by use of RACMs.

Current research in particulate-exposure health suggests that the most adverse effects derive from ultra-small diameter particulate matter comprised of chemically reactive pollutants such as sulfates, nitrates or organic material. A national clean air standard for particulate matter of 2.5 microns or smaller in diameter (called " $PM_{2.5}$ ") was adopted in 1997. A limited amount of construction activity particulate matter is in the $PM_{2.5}$ range. $PM_{2.5}$ emissions are estimated by the SCAQMD to comprise 20.8 percent of PM_{10} . Other studies have shown that the fugitive dust fraction of $PM_{2.5}$ is closer to 10 percent. Daily $PM_{2.5}$ emissions during construction with the use of BACMs will be less than 1 pound per day compared to the SCAQMD CEQA significance threshold of 55 pounds per day.

In addition to fine particles that remain suspended in the atmosphere semi-indefinitely, construction activities generate many larger particles with shorter atmospheric residence times. This dust is comprised mainly of large diameter inert silicates that are chemically non-reactive and are further readily filtered out by human breathing passages. These fugitive dust particles are therefore more of a potential soiling nuisance as they settle out on parked cars, outdoor furniture or landscape foliage rather than any adverse health hazard. The deposition distance of most soiling nuisance particulates is less than 100 feet from the source (EPA, 1995). There are no sensitive receptors within 100 feet from the primary construction site.

Exhaust emissions will result from on and off-site heavy equipment. The types and numbers of equipment will vary among contractors such that such emissions cannot be quantified with certainty. Initial excavation will gradually shift toward pipe installation and then for paving, landscaping, etc. The URBEMIS2007 computer model was used to calculate emissions from the prototype construction equipment fleet identified below.

ISSUES & SUPPORTING DATA SOURCES:Potential
Significant
ImpactLess than
Significant w/
MitigationLess than
Significant
Impact

No Impact

**Urbemis 2007 Equipment Fleet Mix
Coto de Caza Specific Plan Amendment**

Construction Phase	Equipment Mix
Grading	1 Grader 1 Dozer 2 Tractor/Loader/Backhoe 1 Water Truck
Paving	4 Cement Mixers 1 Paver 1 Roller 2 Paving Equipment
Construction	1 Small Crane 3 Welders 1 Generator Set 2 Forklifts 1 Tractor/Loader/Backhoe

Utilizing the equipment fleet identified in Table 5.2-1 and an estimated 5,000 cubic yards of on-site earthworks, the construction emissions associated with the proposed project are summarized below.

**Construction Activity Emissions
Coto de Caza Specific Plan Amendment**

Construction Activity	ROG (lbs/day)	NOx (lbs/day)	CO (lbs/day)	SO ₂ (lbs/day)	PM ₁₀ (lbs/day)	PM _{2.5} (lbs/day)	CO ₂ (lbs/day)
Grading							
No Mitigation	4.2	33.7	18.7	0.0	92.2	1.7	3,163.0
With Mitigation	4.2	28.7	18.7	0.0	9.9	2.3	3,163.0
Construction, Paving and Coating							
No Mitigation	6.6	30.6	22.1	0.0	2.4	2.2	3,234.1
With Mitigation	6.6	26.1	22.1	0.0	0.4	0.4	3,234.1
SCAQMD Threshold	55	55	550	150	150	55	--
Exceeds Threshold	No	No	No	No	No	No	--
SOURCE: Giroux & Associates							

As indicated above, construction activity air emissions occurring during the construction phase will not exceed the significance thresholds established by the South Coast AQMD.

ISSUES & SUPPORTING DATA SOURCES:**Potential
Significant
Impact****Less than
Significant w/
Mitigation****Less than
Significant
Impact****No Impact**

The SCAQMD has also developed analysis parameters to evaluate ambient air quality on a local level in addition to the more regional emissions-based thresholds of significance. These analysis elements are called Local Significance Thresholds (LSTs). LSTs were developed in response to Governing Board's Environmental Justice Enhancement Initiative 1-4 and the LST methodology was provisionally adopted in October 2003 and formally approved by SCAQMD's Mobile Source Committee in February 2005.

Use of an LST analysis for a project is optional. For infrastructure improvement projects, the only source of LST impact would be during construction. LSTs are only applicable to the following criteria pollutants: oxides of nitrogen (NO_x), carbon monoxide (CO), and particulate matter (PM₁₀ and PM_{2.5}). LSTs represent the maximum emissions from a project that are not expected to cause or measurably worsen an exceedance of the most stringent applicable federal or state ambient air quality standard, and are developed based on the ambient concentrations of that pollutant for each source receptor area and distance to the nearest sensitive receptor.

LST pollutant concentration data is currently published for 1-, 2-, and 5-acre sites. The URBEMIS2007 model predicts that less than 1-acre per day could be disturbed by construction activities for the proposed project. Utilizing data for a one-acre site and a source receptor distance of 25 meters, the LST thresholds (pounds per day) were estimated and are reflected in the table below. As indicated in the table, when mitigated through the compliance with dust suppression and related requirements, all of the emissions will remain below the LST thresholds. Therefore, air quality impacts will be less than significant.

**Local Significance Thresholds
Coto de Caza Specific Plan Amendment**

Central Orange County	CO (lbs/day)	NO_x (lbs/day)	PM₁₀ (lbs/day)	PM_{2.5} (lbs/day)
LST Threshold	4,387	222	74	30
Proposed Project				
Maximum Unmitigated Emissions	22	33	92	21
Maximum Mitigated Emissions	19	28	10	2
SOURCE: Giroux & Associates				

As indicated in Table 5.2-3, all mitigated emissions are below LST thresholds for construction. Since the LST emissions threshold is not exceeded for even a 5-acre site, a 7-acre disturbance footprint with a higher triggering threshold would create an even larger margin of safety.

Long-Term Operational Emissions

Due to the nature of the project and the standard operating procedures of the County, ambient air quality would not deteriorate beyond the levels projected by the South Coast AQMD. As a part of the standard procedures contained in the plans and specifications and enforced by the County, construction inspectors would require the following standard operating conditions.

- SC-1 Confirm that, in compliance with SCAQMD Rule 403, fugitive dust shall be controlled through the use of a watering truck as necessary, and/or the use of an environmentally safe chemical dust suppressant. Controls shall be applied to all on-site, unpaved roads and ramps, stockpile areas, actively excavated or exposed sites, and all areas that may be temporarily inactive but include exposed (i.e., denuded or devoid of vegetation) or disturbed surfaces.

ISSUES & SUPPORTING DATA SOURCES:**Potential
Significant
Impact****Less than
Significant w/
Mitigation****Less than
Significant
Impact****No Impact**

SC-2 Confirm compliance with South Coast AQMD Rule 403 as follows:

- Moisten soil and debris not more than 15 minutes prior to excavation or movement.
- Apply environmentally safe chemical stabilizers to disturbed surface areas (i.e., graded areas or areas subject to erosion from wind or water) within five days of completing grading or apply dust suppressants or vegetation sufficient to maintain a stabilized surface.
- Water exposed surface areas at least twice a day under calm conditions or as often as needed on windy days or during dry weather in order to maintain a surface crust and prevent the release of visual emissions of dust from the construction site.
- Cease grading operations when wind speeds exceed 25 miles per hour if dust is being generated and cannot be controlled by watering alone.
- Provide street sweeping, as needed, on adjacent roadways to remove dirt, mud and/or debris dropped from construction vehicles entering or leaving the project site.
- Maintain a minimum of two feet of freeboard capacity on all trucks hauling dirt, debris and/or construction materials to and from the construction site.
- All trucks hauling dirt, debris and/or construction materials to and from the project site shall be tightly covered with a tarp.
- Mobile heavy equipment (e.g., bull dozers, haul trucks, etc.) on unpaved surfaces shall be limited to an on-site speed that avoids fugitive dust impacts off-site as determined by the County Project Engineer.

Incorporation of these standard conditions, as determined applicable to the specific nature of the construction activities, will ensure that the fugitive dust generation will be less than significant.

Long-Term Operational Emissions

Possible project-related air quality concern will derive from the mobile source emissions that will be generated from the residential uses for the project site. Operational emissions for project-related traffic were calculated using a computerized procedure developed by the California Air Resources Board (CARB) for urban growth mobile source emissions. The URBEMIS2007 model was run using the default I.T.E trip generation factors for a 7-unit single-family residential development. The model was used to calculate area source emissions and the resulting vehicular operational emissions for an assumed project build-out year of 2011. The results are shown below.

ISSUES & SUPPORTING DATA SOURCES:

 Potential
Significant
Impact

 Less than
Significant w/
Mitigation

 Less than
Significant
Impact

No Impact

**Project-Related Operational Emissions (lbs/day)
Coto de Caza Specific Plan Amendment**

Source	ROG	NOx	CO	SO ₂	PM ₁₀	PM _{2.5}	CO ₂
Year 2011							
Area Sources	0.5	0.1	0.4	0.0	0.0	0.0	146.1
Mobile Sources	0.6	0.7	7.6	0.0	1.4	0.3	824.2
Total	1.1	0.8	8.0	0.0	1.4	0.3	970.3
SCAQMD Threshold	55	55	550	150	150	55	--
SOURCE: Giroux & Associates							

In addition to mobile sources from vehicles, general development causes smaller amounts of "area source" air pollution to be generated from on-site energy consumption (natural gas combustion) and from off-site electrical generation. These sources represent a small percentage of the total project NOx and CO burdens, and a few percent other pollutants. The inclusion of such emissions adds negligibly to the total significant project-related emissions burden as shown in Table 5.2-4.

The project will not cause the SCAQMD's recommended threshold levels to be exceeded. Operational emissions impacts will be less than significant. No mitigation measures are required.

9. GREENHOUSE GAS EMISSIONS. Would the project:

- | | | | | |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Short-Term GHG Construction Emissions

During project construction, the URBEMIS2007 computer model predicts that the indicated activities will generate the following annual CO₂ emissions:

2010 Grading	104 tons
2011 Construction, Paint and Pavement	343 tons

Equipment exhaust also contains small amounts of methane and nitric oxides, which are also GHGs. Non-CO₂ GHG emissions represent approximately a three percent increase in CO₂-equivalent (CO₂e) emissions from diesel equipment exhaust. For screening purposes, the temporary construction activity GHG emissions were compared to the chronic operational emissions in the SCAQMD's interim thresholds. The screening level operational threshold is 3,000 metric tons (MT) of CO₂e per year. Worst year construction activities generating a total of 343 MT are well below this threshold. Therefore, no significant project-related or cumulative impacts are anticipated.

ISSUES & SUPPORTING DATA SOURCES:

Potential
Significant
Impact

Less than
Significant w/
Mitigation

Less than
Significant
Impact

No Impact

Long-Term GHG Operational Emissions

The input assumptions for operational GHG emissions calculations, and the GHG conversion from consumption to annual regional CO₂(e) emissions are summarized below.

**Annual Non-Transportation Consumption/Generation Rates
Coto de Caza Specific Plan Amendment**

Land Use	Unit	Electricity (MWhr)	Natural Gas (10 ⁶ cu.ft.)	Solid Waste (Tons)	Water (10 ⁶ gallons)
Residential	DU	5.6	0.0481	0.73	0.073
Conversion to CO ₂ 3 (Tons/year): Electricity – MWhr x 0.364 tons/MWhr ¹ Natural Gas – 10 ⁶ cubic feet x 54.6 tons/10 ⁶ cubic feet ¹ Solid Waste – tons x 0.46 tons/ton ² Water – 10 ⁶ (MG) ax 4.62 tons/MG ³					
¹ California Climate Action Registry ² Energy Information Administration; voluntary Reporting of GHG. ³ Califronia Energy Commission; Integrated Energy Policy Report					
SOURCE: Giroux & Associates					

Annual GHG emissions, from non-transportation sources associated with residential development are shown in the table below. Annual project-related GHG emissions will be below the 3,000 MT/year screening threshold.

**Project-Related Non-Transportation GHG Emissions
Coto de Caza Specific Plan Amendment**

Land Use	Unit	Electricity (MWhr)	Natural Gas (10 ⁶ cu.ft.)	Solid Waste (Tons)	Water (10 ⁶ gallons)
Conversion Factor	7 DUs	0.364	54.6	0.46	4.62
CO ₂ e tons/year		14.2	18.4	2.4	2.3
Conversion to CO ₂ 3 (Tons/year): Electricity – MWhr x 0.364 tons/MWhr ¹ Natural Gas – 10 ⁶ cubic feet x 54.6 tons/10 ⁶ cubic feet ¹ Solid Waste – tons x 0.46 tons/ton ² Water – 10 ⁶ (MG) ax 4.62 tons/MG ³					
¹ California Climate Action Registry ² Energy Information Administration; voluntary Reporting of GHG. ³ Califronia Energy Commission; Integrated Energy Policy Report					
SOURCE: Giroux & Associates					

ISSUES & SUPPORTING DATA SOURCES:

Potential
Significant
Impact

Less than
Significant w/
Mitigation

Less than
Significant
Impact

No Impact

As indicated above, project-related non-transportation emissions are estimated to be 37.5 metric tons/year. Total transportation-related emissions (refer to Table 5.2-4) are estimated to be 145.6 metric tons/year (80 percent of the total), resulting in a total combined CO₂e emissions figure of 183 metric tons/year, which is only six percent of the 3,000 metric tons/year screening threshold. Therefore, long-term GHG emissions are considered to be less than significant.

10. NOISE. Would the project result in:

- | | | | | |
|--|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Exposure of persons to or generation of excessive ground borne vibration or ground borne noise levels? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| e) For a project located within an airport land use plan or, where such plan has not been adopted, within two miles of a private or public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Short-Term (Construction) Noise

Typically, the estimated construction noise levels are governed primarily by the piece of equipment that produces the highest noise levels. The character of the noise levels surrounding the construction site will change as work progresses, depending on the noise levels of the loudest piece of construction equipment in use. A combination of construction vehicles, power tools, and handheld tools would be used depending on the construction phase. Construction noise levels are based on those reported by the Federal Highway Administration (FHWA) using the Roadway Construction Noise Model (RCNM version 1.1, 2008). Noise levels for construction equipment from the RCNM are identified below, which indicated that typical noise levels range up to 83.3 dBA L_{eq} at 50 feet from the source during the noisiest construction phases. The site preparation phase, which includes excavation and grading of the site and concrete pouring tends to generate the highest noise levels, because the noisiest construction equipment is typically associated with these activities. Most importantly, all of the significant noise-generating construction activities are limited to the normal working hours by the Noise Ordinance, which minimizes the effect of those activities.

**Typical Construction Equipment Noise Levels
Coto de Caza Specific Plan Amendment**

Type of Equipment	Average Sound Levels (dBA L_{eq} at 50 feet)
Backhoe	73.6
Concrete Mixer Truck	74.8
Concrete Pump Truck	74.4
Excavator	76.7
Front End Loader	75.1
Jackhammer	81.7
Drill Rig Truck	72.2
Hydra Break Ram	80.0
Tractor	80.0
Vibratory Concrete Mixer	73.0
Flat Bed Truck	70.3
Auger Drill Rig	77.4
Mounted Impact Hammer (Hoe Ram)	83.3
Dozer	77.7
SOURCE: Roadway Construction Noise Model (version 1.1)	

Short-term (construction) noise level increases will occur from the use of construction equipment associated with grading and excavation and building and construction activities. Earthmoving equipment includes excavating machinery such as backhoes, bulldozers, and front loaders. Earthmoving and compacting equipment includes compactors, scrapers, and graders. Potential noise impacts vary markedly because the noise strength of construction equipment ranges widely as a function of the equipment used and its activity level. The exposure of residents in the vicinity of the project site to the periodic increase in noise levels will be short-term and will cease after construction is completed. Short-term construction noise impacts tend to occur in discrete phases dominated initially by earthmoving sources, then by foundation construction, and, finally, for building construction. Heavy equipment noise can average about 80 dB(A) at 50 feet from the source when the equipment is operating at typical loads. With the exception of the grading and construction of the access road that is proposed to extend from Van Gogh Way, the nearest existing residents are located approximately 600 feet from the proposed development area. It is important to note that noise levels decrease by 6 dBA for each doubling of distance (e.g., 80 dBA at 50 feet from the source would decrease to 74 dBA at 150 feet). Therefore, with the exception of the noise associated with the grading and construction of the access road, most construction noise levels would be less than 60 dBA in the vicinity of the existing residential dwelling units based on the distance of the development area to the existing residential development.

A variety of noise sources and noise levels would occur on and in the immediate vicinity of the project site over the site preparation and construction phase anticipated for the proposed project. Noise levels would vary, depending upon the type and number of construction machinery and vehicles in use and their location within the project site. The types of machinery to be active will vary with the construction phases, which would include:

- Excavation
- Installation of foundations
- Building of structure
- Installation of plumbing, electrical, mechanical, finish exterior/interior, etc.
- Hardscape and landscape

ISSUES & SUPPORTING DATA SOURCES:

Potential Significant Impact	Less than Significant w/ Mitigation	Less than Significant Impact	No Impact
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It is important to note that all equipment is not generally operated continuously or used simultaneously. The number, type, distribution, and usage of construction equipment will differ from phase to phase. The noise generated is both temporary in nature and, as previously indicated, is limited in hours by the County's Noise Ordinance. Compliance with the existing noise control ordinance and hours of construction prescribed in the ordinance will minimize the potential noise impacts associated with project implementation. Other measures have been identified to ensure that construction noise is minimized. Typically, construction of single-family residential dwelling units on a small scale does not result in significant noise impacts because of their small size and the duration of construction is not anticipated to occur over a long period of time. Therefore, because the project encompasses only seven single-family residences, which would employ typical construction techniques and be constructed in approximately 12 months like most single-family residential construction, potential construction noise impacts will be less than significant with the incorporation of the prescribed mitigation measures.

Long-Term (Operational) Noise

Noise sources in the study area include traffic on the local streets in the vicinity of the project site and that associated with activities occurring within the nearby residential development. Ambient noise levels in the project area would be the same as other similar single-family residential neighborhoods in Coto de Caza. Residents of the proposed seven single-family residences, therefore, would not be exposed to significant long-term noise sources, either resulting from the increase in vehicular trips (estimated to be approximately 70 trips/day) or from on-site activities that would occur on the site. The proposed residences would be similar in nature as other single-family residences in the project vicinity. Although on-site noise levels associated with residential activities (where none currently exist) would increase, it is anticipated that any such increase in long-term noise associated with the residential use would be those occurring as a result of outdoor activities and would be typical of noise levels in similar residential neighborhoods. If future residents and their guests should engage in activities that result in temporary, loud noise levels that exceed the limits set forth in the County's Noise Ordinance, the County is empowered to take actions to abate that activity. This project would not result in exposure of neighboring residents or future residents on site to noise levels that exceed City standards. Therefore, no significant long-term noise impacts are anticipated and no mitigation measures are required.

Aviation Noise

John Wayne Airport, the nearest aviation facility to the subject property, is located approximately 15 miles west of the subject property. The project site is not within an airport land use plan nor is the site within two miles of an airport. Noise in the vicinity of the project site associated with aircraft operations occurring at John Wane Airport is below 60 dBA CNEL and therefore, future residents will not be subjected to excessive noise levels resulting from flight operations.

Groundborne Vibration

Construction activities can generate varying degrees of ground vibration, depending on the construction procedures, construction equipment used, and proximity to vibration-sensitive uses. The effect of vibration on buildings near a construction site varies depending on the magnitude of vibration, geology, and receptor building construction. The generation of vibration can range from no perceptible effects at the lowest vibration levels, to low rumbling sounds and perceptible vibrations at moderate levels, to minor cosmetic damage at the highest levels. Ground vibrations from construction activities rarely reach levels that can damage structures, but can achieve the audible and perceptible ranges in buildings close to a construction site. It is anticipated that vibration levels generated by construction vehicles and during such activities as excavation may exceed the Federal Transportation Agency annoyance threshold (i.e., 78 VdB) for residential uses. However, the closest residential development is located approximately 600 feet from the proposed development area. Therefore, potential short-term impacts from vibration-induced annoyance would not be expected to occur, even with the most intensive use of construction equipment. Any temporary annoyances occurring as a result of grading and construction of the access road will be less than significant and would cease upon completion of the grading/excavation required for the roadway. No significant impacts are anticipated and no mitigation measures are required.

ISSUES & SUPPORTING DATA SOURCES:

Potential
Significant
Impact

Less than
Significant w/
Mitigation

Less than
Significant
Impact

No Impact

11. BIOLOGICAL RESOURCES. Would the project:

- | | | | | |
|---|-------------------------------------|--------------------------|-------------------------------------|--------------------------|
| a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Services? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Services? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) Have a substantial adverse effect on Federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| f) Conflict with provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

The subject property is located within Subarea 3 of the Southern Subregional Natural Community Conservation Plan (NCCP). The Natural Community Conservation Plan /Master Streambed Alteration Agreement/Habitat Conservation Plan (NCCP/MSAA/HCP), which has a strong conservation component that is intended to protect threatened and endangered species, sets for the a proposed Conservation Strategy that would be implemented by the County of Orange in cooperation with federal agencies and participating landowners in southern Orange County. The conservation strategy of the plan consists of the following components

- Creation of a permanent Habitat Reserve;
- Formulation and implementation of a Habitat Reserve Management Program (HRMP);
- Receipt of State and federal regulatory coverage and provisions for the impacts of proposed Covered Activities¹ on proposed Covered species and CDFG jurisdictional areas; and
- Execution of an Implementation Agreement (IA) and identification of funding necessary to implement the HRMP.

¹Covered Activities consist of those lawful activities undertaken by the County of Orange Rancho Mission Viejo, and the Santa Margarita Water District pursuant to the NCCP/MSAA/HCP.

ISSUES & SUPPORTING DATA SOURCES:

Potential Significant Impact	Less than Significant w/ Mitigation	Less than Significant Impact	No Impact
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The subject property lies within Linkage F, a "horseshoe" shaped corridor north of the Coto de Caza golf course that provide habitat and connectivity between Upper Chiquita Canyon and Starr Ranch and Casper's Wilderness Park within Subarea 3 of the Southern Subregion NCCP/MSAA/HCP.

General wetland assessments of the proposed project site were conducted, which included general mapping of habitat(s) that may be subject to jurisdiction of the ACOE pursuant to Section 404 of the Clean Water Act and the CDFG pursuant to Sections 1600-12 of the California Fish and Game Code. The limits of the ACOE jurisdictional wetlands and waters of the United States was generally based on Section B ("Preliminary Data Gathering and Synthesis" of the ACOE 1987 Wetlands Delineation Manual (ACOE Manual). Routine or comprehensive floral determinations and delineations pursuant to Sections D and E of the ACOE Manual were also conducted. Based on the generalized wetlands assessments, no wetlands are within the limits of the subject property.

The grading and landform alteration required to implement the proposed project will avoid impact to the annual grassland and valley needlegrass grassland habitats occupying the subject site; no permanent or temporary impacts to either vegetation community will occur. However, project implementation will result in the permanent removal of 10.84 acres of coastal sage scrub habitat (15.9 percent of the total vegetation within TTM 17325 and Lot "C") and temporary impacts to 1.14 acres (1.67 percent to the total) of coastal sage scrub habitat. In addition, the proposed project will also result in the permanent loss of 0.64 acre of coastal live oak woodland (2.26 percent of the on-site habitat) and temporary impacts to 0.28 acre (0.99 percent) of that habitat. Impacts to the chaparral vegetation community include 1.87 acres (25.76 percent of the total) of permanent loss and 0.07 acre (0.96 percent of the total) of temporary impacts to the chaparral community. These direct impacts are significant and will require mitigation in accordance with the Southern Subregion NCCP Implementation Agreement. These potential impacts will be evaluated in the EIR.

In addition, project implementation will also result in potential project-related impacts to the intermediate Mariposa lily, a CNPS 1B.2 species (i.e., rare or endangered in California or elsewhere; fairly endangered in California). Grading and extension of the access road through Lot "C" will result in the permanent loss of 0.09 acre (60 percent) and temporary loss of the remaining 0.06 acre (40 percent) of this species located within the limits of the access roadway. These impacts are significant and must also be mitigated through a revegetation program. These potential impacts will be evaluated in the EIR prepared for the proposed project.

12. AESTHETICS. Would the project:

- | | | | | |
|--|-------------------------------------|--------------------------|-------------------------------------|--------------------------|
| a) Have a substantial adverse effect a scenic vista? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) Substantially degrade the existing visual character or quality of the site and its surroundings? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| d) Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

ISSUES & SUPPORTING DATA SOURCES:**Potential
Significant
Impact****Less than
Significant w/
Mitigation****Less than
Significant
Impact****No Impact**

Project implementation includes the future development of a 7-lot single-family residential subdivision in an area currently identified in the Coto de Caza Specific Plan as a "resource preservation and scenic area". In addition the area within Planning Area 10 in which the project is located is also identified as a "restricted grading area." According to the specific plan, grading in the resource preservation area designated within Planning Area 10 "... should be prohibited except for trail and public safety purposes such as fuel modification." In addition, "... grading in the restricted grading areas, beyond that needed for structures, should be allowed within the Scenic Areas as long as the end result would preserve or enhance the natural environment." It is possible that the development of the subject property as currently proposed could result in potentially significant visual impacts within the designated scenic area of Planning Area 10. The Draft EIR will include an analysis of potential visual impacts, including a series of visual simulations from public view points, to determine the nature and extent of the project's potential effect on the scenic area.

13. CULTURAL/SCIENTIFIC RESOURCES, Would the project:

- | | | | | |
|---|--------------------------|-------------------------------------|-------------------------------------|--------------------------|
| a) Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Cause a substantial adverse changed in the significance of an archaeological resource pursuant to Section 15064.5? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| d) Disturb any human remains, including those interred outside of formal cemeteries? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Archaeological Resources

Final EIR 401 contains a thorough assessment of the potential impacts to archaeological and paleontological resources. As indicated in the analysis contained in that document, several investigations of the Coto de Caza area have been surveyed prior to 1981. Based on those surveys, 11 Type I (i.e., campsite and/or village sites defined by the presence of a large variety of artifactual types) were identified in the project environs. In addition, 10 Type II (i.e., specific food procurement or processing activities characterized by a limited duration of occupation) archaeological resources were also identified in the Coto de Caza area. In addition, several Type III (i.e., one or two artifacts not associated with other more specifically located cultural materials) and four Type IV (i.e., unusual circumstances made an evaluation of their nature difficult) sites were identified. None of the archaeological sites previously identified are located on the subject property. Subsequently, a records search conducted by Christopher Drover, Ph.D., R.P.A., concluded that "... the subject property had been previously investigated; however, no cultural resources had been previously recognized for the immediate subject development area."² The nearest cultural resources to the subject property are Ora-995 and Ora-171, which are located approximately one-half mile to the south and one-half mile to the north, respectively.

Although project implementation will result in some grading and landform alteration in order to create building pads for the seven lots, significant impacts to cultural resources are not anticipated. Several mitigation measures were identified in EIR 401 to address potential impacts to cultural resources, including grading observation pursuant to the County's standard conditions. Therefore, because the subject property is located in an area of the County where cultural resources have been identified, the proposed project will be subject to the observation by a qualified archaeologist, as indicated below. Therefore, no significant impacts to cultural resources are anticipated and no mitigation measures are required.

²Christopher Drover, Ph.D., R.P.A.; letter dated March 26, 2010.

ISSUES & SUPPORTING DATA SOURCES:

Potential Significant Impact	Less than Significant w/ Mitigation	Less than Significant Impact	No Impact
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- SC-3 Prior to the approval of the project Plans and Specifications by the Orange County Flood Control District, the Chief Engineer, OC Public Works, or his designee, in consultation with the Manager, OC Public Works/Environmental Planning Services Division, shall confirm that the plans and specifications stipulate that if evidence of subsurface archaeological resources are found during construction, excavation and other construction activity in that area shall cease and the contractor shall contact the Construction Engineer, who will then contact a county certified archaeologist to determine the extent of the find and take proper actions.

Paleontological Resources

In addition to the cultural resources assessments conducted on the Coto de Caza property, similar surveys were also conducted to determine the presence of paleontological resources within the same area. The surveys concluded that although no paleontological resource were noted at the surface, the characteristics of the sedimentary rock units on-site demonstrate a potential for such resources because the underlying geological formations have yielded fossils in other areas of the County of Orange and southern California. As a result, Final EIR 401 also required monitoring during grading, which would also be required for the proposed project in accordance with the County's standard condition for paleontological monitoring as prescribed below. This requirement has been confirmed by Christopher Drover, Ph.D., R.P.A. in the most recent review of the site.³

- SC-4 Prior to the approval of the project Plans and Specifications by the Orange County Flood Control District, the Chief Engineer, OC Public Works, or his designee, in consultation with the Manager, OC Public Works/Environmental Planning Services Division, shall confirm that the plans and specifications stipulate that if evidence of subsurface paleontological resources are found during construction, excavation and other construction activity in that area shall cease and the contractor shall contact the Construction Engineer, who will then contact a county certified paleontologist to determine the extent of the find and take proper actions.

Historical Resources

The site is devoid of any structures or other features that are historically important. Therefore, grading and landform alteration necessary to accommodate seven single-family residential structures as well as that required for the proposed access road, fuel modification plan, and related features would not result in any impacts to existing historical resources. No mitigation measures are required.

14. RECREATION. Would the project:

- | | | | | |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

³Christopher Drover, Ph.D., R.P.A.; letter dated March 26, 2010

ISSUES & SUPPORTING DATA SOURCES:**Potential
Significant
Impact****Less than
Significant w/
Mitigation****Less than
Significant
Impact****No Impact**

EIR 401 evaluated the impacts to recreational facilities associated with the development of a total of 197 dwelling units in Planning Area 10. Several regional park facilities are located within the vicinity of Coto de Caza, including General Thomas F. Riley Wilderness, which is located in Planning Area 18. As indicated in that document, the applicant must comply with all of the requirements for local parks. The Coto de Caza Specific Plan provides for extensive recreational and park facilities beyond the parkland requirement of the Master Plan of Local Parks (i.e., approximately 496 acres of recreation were included in the Specific Plan for improvement). In addition, a ridge trail, which is intended to accommodate riders and hikers within the Coto de Caza area. Project implementation will not adversely affect this existing riding and hiking trail. The Coto de Caza Specific Plan requires that all future development must comply with the County's Local Park Code. Project implementation is consistent with the land use and population projections forecast for the Coto de Caza community. Compliance with the County's Local Park Code will ensure that no significant impact occur; no mitigation measures are required.

15. MINERAL RESOURCES. Would the project:

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Neither the Orange County General Plan nor the State of California has identified either the project site or environs as a potential location for mineral resources of Statewide, regional, or local significance. No mineral resources are known to exist. Therefore, development of the subject property as proposed will not result in the loss of any locally important mineral resource recovery site. No significant impacts will occur as a result of project implementation.

16. HAZARDS. Would the project:

- | | | | | |
|--|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

ISSUES & SUPPORTING DATA SOURCES:

	Potential Significant Impact	Less than Significant w/ Mitigation	Less than Significant Impact	No Impact
e) For a project located within an airport land use plan or, where such plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Expose people or structures to a significant risk or loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
i) Include a new or retrofitted storm water treatment control Best Management Practice (BMP), (e.g. water quality treatment basin, constructed treatment wetlands), the operation of which could result in significant environmental effects (e.g. increased vectors and odors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

The subject property is undeveloped. A search of the available environmental records, which was conducted by Environmental Data Resources, Inc. (EDR), resulted in a determination that no mapped sites were found and the subject property is not listed in any of the databases searched by EDR, including any lists of hazardous materials sites compiled pursuant to Government Code Section 65962.5.⁴ Furthermore, no listed sites are located within one mile of the subject property.

Construction activities would involve the use of materials associated with the construction of seven single-family residential dwelling units, including oil, gas, tar, construction materials and adhesives, cleaning solvents and paint. Transport of these materials to the site and use on the site would only create a localized hazard in the event of an accident or spills. Hazardous materials use, transport, storage and handling would be subject to federal, state and local regulations to reduce the risk of accidents. Equipment maintenance and disposal of vehicular fluids is subject to existing regulations, including the National Pollutant Discharge Elimination System (NPDES). Given the nature of the project in terms of its limited scope and size, it is anticipated that normal storage, use and transport of hazardous materials will not result in undue risk to construction workers on the site or to persons on surrounding areas. The use and disposal of any hazardous materials on the site and in conjunction with the project will be in accordance with existing regulations. With the exception of small quantities of pesticides, fertilizers, cleaning solvents, paints, etc., that are typically used to maintain residential properties, on-going operation of the site for residential use will not result in the storage or use of hazardous materials.

Project implementation includes only the site preparation and construction of seven single-family residences on approximately 28.3 acres within the 126.51-acre site. As indicated above, the proposed project does not involve any activities and/or uses that would utilize hazardous materials or other substances that would, if released into the environment, create a safety or health hazard. There is no indication that the subject site has been contaminated that would adversely affect site development based on the environmental records search conducted by EDR. Although grading and site preparation activities will expose subsurface soils and result in the generation of fugitive dust, no hazardous emissions will occur as a result of project implementation. Therefore, no significant impacts will occur.

⁴Environmental Data Resources, Inc.; The EDR Radius Map Report with GeoCheck (Coto de Caza Van Gogh Way, Trabuco Canyon, CA 92679); April 13, 2010.

ISSUES & SUPPORTING DATA SOURCES:

Potential
Significant
Impact

Less than
Significant w/
Mitigation

Less than
Significant
Impact

No Impact

The project site is located approximately 15 miles southwest of John Wayne Airport (JWA) and is not located within or subject to the airport land use plan for JWA or any other aviation facility. Operations at JWA will not pose a safety hazard for future residents due to the proximity of the project to the airport. Therefore, no significant impacts are anticipated and no mitigation measures are required.

However, the subject property is located within a "high fire hazard" area, which is characterized by moderate to steep slopes and high fuel loading associated with the vegetation. This potentially significant effect will be analyzed in the EIR (refer to Section 17.i, below).

17. PUBLIC SERVICES. Would the project:

- a) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

i) Fire protection?

☒
☐
☐
☐

ii) Police protection?

☐
☐
☒
☐

iii) Schools?

☐
☐
☒
☐

iv) Parks?

☐
☐
☒
☐

v) Other public facilities?

☐
☐
☒
☐

EIR 401 evaluated the potential impacts on the public services provided by the County of Orange. As indicated in that document, fire and police protection are provided by the Orange County Fire Authority (OCFA) and Orange County Sheriff Department (OCSD), respectively. In addition, Coto de Caza, as a private community, operates its own internal security system, which includes security officers and patrol throughout the area. As indicated in EIR 401, project implementation, including the seven residential lots proposed in TTM 17325, would result in an increase in calls for emergency responses from both police and fire agencies. However, the level of additional personnel and equipment necessary to provide an adequate level of police and fire protection is evaluated with each new development within Coto de Caza to ensure that potentially significant impacts are avoided or reduced to a less than significant level. However, because the proposed project is located within a high fire hazard area, potentially significant impacts to fire protection may occur. The EIR will evaluate the potential adverse effect to fire protection resulting from development within the high fire hazard area.

The seven residential lots were included in the environmental analysis included in EIR 401 that evaluate potential impacts to schools and parks. As indicated in that analysis, adequate parks and recreational facilities exist within the project environs. In addition, the development occurring within the County is subject to the payment of park fees in accordance with the County's Local Park Code to ensure that adequate parking and recreational facilities are available to future residents. Therefore, no significant project-related impacts to park are anticipated and no additional mitigation measures are required. Similarly, EIR 401 also quantified the number of school-age children that would be generated within the Saddleback Unified School District by the ultimate development of the Coto de Caza Specific Plan, including the seven dwelling units proposed in TTM 17325. The applicant will be required to pay the development fees in effect prior to issuance of building permits. Payment of the development fees will offset the addition of school-age children within the district. No significant impacts are anticipated and no mitigation measures are required.

ISSUES & SUPPORTING DATA SOURCES:

Potential
Significant
Impact

Less than
Significant w/
Mitigation

Less than
Significant
Impact

No Impact

18. UTILITIES & SERVICE SYSTEMS. Would the project:
- a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? ☐ ☐ ☒ ☐
 - b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental impacts? ☐ ☐ ☒ ☐
 - c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which would cause significant environmental effects? ☐ ☐ ☒ ☐
 - d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? ☒ ☐ ☐ ☐
 - e) Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments? ☒ ☐ ☐ ☐
 - f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs? ☐ ☐ ☒ ☐
 - g) Comply with federal, state and local statutes and regulations related to solid waste? ☐ ☐ ☒ ☐

The operation and maintenance of sewer and water facilities are the provided by the Santa Margarita Water District (SMWD). As indicated EIR 401, upon completion of the development within the Coto de Caza Specific Plan area, the average daily domestic water demands were expected to be approximately 3.86 million gallons per day. Although the EIR concluded that sufficient supply will be available in the future with the installation of the infrastructure to serve the entire Coto de Caza development, the current drought conditions in the State may have resulted in deficiencies in the availability of adequate domestic water supplies. Similarly, although EIR 401 concluded that adequate sewer collection and treatment capacity would be available to serve all of the development proposed within Coto de Caza, the extension of the project beyond the limits of the development area will require the extension of existing sewer collection facilities. Therefore, the EIR will evaluate the potential impacts of the seven lots proposed in TTM 17325 to ensure that adequate domestic water supplies and sewer collection and treatment capacity are available to serve the proposed project.

MANDATORY FINDINGS

- a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife population to drop below self sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory? ☒ ☐ ☐ ☐

ISSUES & SUPPORTING DATA SOURCES:

Potential
Significant
Impact

Less than
Significant w/
Mitigation

Less than
Significant
Impact

No Impact

- b) Does the project have possible environmental effects, which are individually limited but cumulatively considerable? ("cumulatively considerable" means that the incremental effects of an individual project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)
- c) Does project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly

☐
☐
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☐
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☐
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☐

Implementation of the seven single-family residential lots will result in the loss of occupied coastal sage scrub habitat. Although no significant archaeological and/or historical resources would be adversely affected by project implementation, the site is located within a geologic formation that may be fossil-bearing. As a result, grading and landform alteration could result in significant impacts to paleontologic resources that may exist within the formation underlying the site. In addition, development of the site as proposed will necessitate landform alteration that would result in increased surface runoff and could subject the proposed structures and future residents to adverse geologic conditions. The EIR will evaluate the potential effects of the proposed project on the biological and paleontological resources.

The California Integrated Waste Management Act of 1989 (i.e., AB 939) requires that the County must maintain 15 years of available Countywide solid waste disposal capacity. As a result, project implementation will not result in any significant impacts on landfill capacity and, further, will not adversely affect the ability of the existing facilities operated and maintained by the Orange County Waste & Recycling to provide adequate landfill capacity to serve the County. Although not anticipated to be significant, the seven future residential dwelling units within the proposed project area that generate refuse typical municipal solid waste would not generate significant amounts of refuse. No significant impacts are anticipated and no mitigation measures are required.

DETERMINATION:

Based upon the evidence in light of the whole record documented in the attached environmental checklist explanation, cited incorporations and attachments, I find that the proposed project:

COULD NOT have a significant effect on the environment, and a negative declaration (ND) will be prepared pursuant to CEQA Guidelines Article 6, 15070 through 15075.

☐

COULD have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures have been added to the project. A Mitigated Negative Declaration (MND) will be prepared pursuant to CEQA Guidelines Article 6, 15070 through 15075.

☐

MAY have a significant effect on the environment, which has not been analyzed previously. Therefore, an Environmental Impact Report (EIR) is required.

☐

MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect (1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and (2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An EIR is required, but it must analyze only the effects that remain to be addressed.

☒

COULD have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or Negative Declaration pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or Negative Declaration, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

☐

Signature: Chris Uzo-Diribe

Planner: Chris Uzo-Diribe

General Land Use Planning/Environmental Services

Telephone: (714) 667-8845

NOTE: All referenced and/or incorporated documents may be reviewed by appointment only, at the County of Orange Public Works Department, 300 N. Flower Street, Santa Ana, California, unless otherwise specified. An appointment can be made by contacting the CEQA Contact Person identified above.

Revised 3-5-10


memo

DATE: July 13, 2010
TO: Chris Uzo Diribe, OC Public Works, Land Use Planning
FROM: Aram Eftekhari, Chief, OC Public Works/Flood Program/Hydrology
SUBJECT: Notice of Intent to Prepare Draft Supplemental EIR 608 to FEIR 401,
Coto de Caza Specific Plan Amendment, TT 17325, Unincorporated Area
of the County of Orange

In response to your request dated June 4, 2010, Hydrology Section reviewed the subject document and offers the following comment:

1. The proposed project consists of subdividing the 127 acre parcel (Planning Area 10 of the Coto de Caza) into 7 residential lots and several open space lots that causes the land use designation change from "Open Space" to "Residential Hillside Estate". The intensification of land use resulting from the proposed project and the increase in impervious areas due to the construction of the access road and building concrete pads could increase runoff and impact local as well as regional drainage. Therefore, the DSEIR should require analyses that ensure post-development hydrology and storm water runoff rates and velocities have no adverse impact on downstream drainage facilities, flood protection levels, and possibly erosion, including effects of sediment deposition and scour in the natural earthen channels.

If you have any questions regarding these comments, please contact me at 834-3754 or Anna Brzezicki at 834-5029.


Aram Eftekhari

NATIVE AMERICAN HERITAGE COMMISSION

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July 13, 2010

Mr. Ron Tippetts, Project Planner

ORANGE COUNTY PUBLIC WORKS DEPARTMENT/OC PLANNING

300 N. Flower Street
Santa Ana, CA 92702-4048

Re: SCH#2010061063; CEQA Notice of Preparation (NOP); draft Environmental Impact Report (DEIR) for the TTM 17325 / Coto de Caza Estates Project; located near the community of Santa Margarita and near the Cleveland National Forest lands; eastern Orange County, California.

Dear Mr. Tippetts:

The Native American Heritage Commission (NAHC) is the state 'trustee agency' pursuant to Public Resources Code §21070 for the protection and preservation of California's Native American Cultural Resources.. (Also see *Environmental Protection Information Center v. Johnson* (1985) 170 Cal App. 3rd 604). The California Environmental Quality Act (CEQA - CA Public Resources Code §21000-21177, amended in 2009) requires that any project that causes a substantial adverse change in the significance of an historical resource, that includes archaeological resources, is a 'significant effect' requiring the preparation of an Environmental Impact Report (EIR) per the California Code of Regulations §15064.5(b)(c)(f) CEQA guidelines). Section 15382 of the CEQA Guidelines defines a significant impact on the environment as "a substantial, or potentially substantial, adverse change in any of physical conditions within an area affected by the proposed project, including ...objects of historic or aesthetic significance." In order to comply with this provision, the lead agency is required to assess whether the project will have an adverse impact on these resources within the 'area of potential effect (APE)', and if so, to mitigate that effect. To adequately assess the project-related impacts on historical resources, the Commission recommends the following.

The Native American Heritage Commission did perform a Sacred Lands File (SLF) search in the NAHC SLF Inventory, established by the Legislature pursuant to Public Resources Code §5097.94(a) and Native American Cultural resources were not identified within the APE identified for the project. Early consultation with Native American tribes in your area is the best way to avoid unanticipated discoveries once a project is underway. Enclosed are the names of the nearest tribes and interested Native American individuals that the NAHC recommends as 'consulting parties,' for this purpose, that may have knowledge of the religious and cultural significance of the historic properties in the project area (e.g. APE). We recommend that you contact persons on the attached list of Native American contacts. A Native American Tribe or Tribal Elder may be the only source of information about a cultural resource.. Also, the NAHC recommends that a Native American Monitor or Native American culturally knowledgeable person be employed whenever a professional archaeologist is employed during the 'Initial Study' and in other phases of the environmental planning processes.. Furthermore we suggest that you contact the California Historic Resources Information System (CHRIS) at the Office of Historic Preservation (OHP) Coordinator's office (at (916) 653-7278, for referral to the nearest OHP Information Center of which there are 11.

Consultation with tribes and interested Native American tribes and interested Native American individuals, as consulting parties, on the NAHC list, should be conducted in compliance with the requirements of federal NEPA (42 U.S.C. 4321-43351) and Section 106 and 4(f) of federal NHPA (16 U.S.C. 470 [f]) *et seq.*, 36 CFR Part 800.3, the President's Council on Environmental Quality (CSQ; 42 U.S.C. 4371 *et seq.*) and NAGPRA (25 U.S.C. 3001-3013), as appropriate. The 1992 *Secretary of the Interior's Standards for the Treatment of Historic Properties* were revised so that they could be applied to all historic resource types included in the National Register of Historic Places and including *cultural landscapes*.

Lead agencies should consider avoidance, as defined in Section 15370 of the California Environmental Quality Act (CEQA) when significant cultural resources could be affected by a project. Also, Public Resources Code Section 5097.98 and Health & Safety Code Section 7050.5 provide for provisions for accidentally discovered archeological resources during construction and mandate the processes to be followed in the event of an accidental discovery of any human remains in a project location other than a 'dedicated cemetery'. Discussion of these should be included in your environmental documents, as appropriate.

The authority for the SLF record search of the NAHC Sacred Lands Inventory, established by the California Legislature, is California Public Resources Code §5097.94(a) and is exempt from the CA Public Records Act (c.f. California Government Code §6254.10). The results of the SLF search are confidential. However, Native Americans on the attached contact list are not prohibited from and may wish to reveal the nature of identified cultural resources/historic properties. Confidentiality of 'historic properties of religious and cultural significance' may also be protected under Section 304 of the NHPA or at the Secretary of the Interior's discretion if not eligible for listing on the National Register of Historic Places. The Secretary may also be advised by the federal Indian Religious Freedom Act (cf. 42 U.S.C. 1996) in issuing a decision on whether or not to disclose items of religious and/or cultural significance identified in or near the APE and possibly threatened by proposed project activity.

CEQA Guidelines, Section 15064.5(d) requires the lead agency to work with the Native Americans identified by this Commission if the initial Study identifies the presence or likely presence of Native American human remains within the APE. CEQA Guidelines provide for agreements with Native American, identified by the NAHC, to assure the appropriate and dignified treatment of Native American human remains and any associated grave liens. Although tribal consultation under the California Environmental Quality Act (CEQA; CA Public Resources Code Section 21000 – 21177) is 'advisory' rather than mandated, the NAHC does request 'lead agencies' to work with tribes and interested Native American individuals as 'consulting parties,' on the list provided by the NAHC in order that cultural resources will be protected. However, the 2006 SB 1059 the state enabling legislation to the Federal Energy Policy Act of 2005, does mandate tribal consultation for the 'electric transmission corridors. This is codified in the California Public Resources Code, Chapter 4.3, and §25330 to Division 15, requires consultation with California Native American tribes, and identifies both federally recognized and non-federally recognized on a list maintained by the NAHC

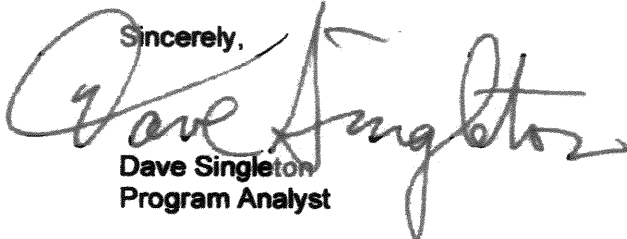
Health and Safety Code §7050.5, Public Resources Code §5097.98 and Sec. §15064.5 (d) of the California Code of Regulations (CEQA Guidelines) mandate procedures to be followed, including that construction or excavation be stopped in the event of an accidental discovery of

any human remains in a location other than a dedicated cemetery until the county coroner or medical examiner can determine whether the remains are those of a Native American. . Note that §7052 of the Health & Safety Code states that disturbance of Native American cemeteries is a felony.

Again, Lead agencies should consider avoidance, as defined in §15370 of the California Code of Regulations (CEQA Guidelines), when significant cultural resources are discovered during the course of project planning and implementation

Please feel free to contact me at (916) 653-6251 if you have any questions.

Sincerely,

A handwritten signature in cursive script, appearing to read "Dave Singleton".

Dave Singleton
Program Analyst

Attachment: List of Native American Contacts

Cc: State Clearinghouse

**Native American Contacts
July 13, 2010
Orange County**

**Ti'At Society
Cindi Alvitre**

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Los Angeles , CA 90086
samdunlap@earthlink.net**

Gabrielino Tongva

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Juaneno Band of Mission Indians Acjachemen Nation

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(949) 493-4933 - Home**

Juaneno Band of Mission Indians Acjachemen Nation

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John Tommy Rosas, Tribal Admin.**

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310-570-6567**

Gabrielino Tongva Indians of California Tribal Council

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gtongva@verizon.net
562-761-6417 - voice
562-925-7989 - fax**

**Gabrielino/Tongva San Gabriel Band of Mission
Anthony Morales, Chairperson**

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(626) 286-1632
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**Juaneno Band of Mission Indians
Alfred Cruz, Culural Resources Coordinator**

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714-321-1944 - cell**

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code. Also, federal National Environmental Policy Act (NEPA), National Historic Preservation Act, Section 106 and federal NAGPRA. And 36 CFR Part 800.3.

This list is only applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH#2010061063; CEQA Notice of Preparation (NOP); draft Environmental Impact Report (DEIR) for the TTM 17325 / Coto de Caza Estates Project; located near the Community of Santa Margarita; Orange County, California for which a

Native American Contacts
July 13, 2010
Orange County

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Anaheim , CA 92807
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United Coalition to Protect Panhe (UCPP)
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(310) 587-2281

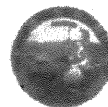
Juaneno Band of Mission Indians Acjachemen Nation
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(310) 587-2281
lcandelaria1@gabrielinoTribe.org

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This list is only applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH#2010061063; CEQA Notice of Preparation (NOP); draft Environmental Impact Report (DEIR) for the TTM 17325 / Coto de Caza Estates Project; located near the Community of Santa Margarita; Orange County, California for which a



South Coast Region
4949 Viewridge Avenue
San Diego, CA 92123
(858) 467-4201
<http://www.dfg.ca.gov>

July 12, 2010

Chris Uzo-Diribe
Orange County Public Works Department
Orange County Planning
P.O. Box 4048
Santa Ana, CA 92702-4048

**Subject: Notice of Preparation of a Supplemental Environmental Impact Report for
Coto de Caza Specific Plan Amendment/Tentative Tract Map 17325 Project,
SCH # 2010061063, Orange County**

Dear Ms. Uzo-Diribe:

The Department of Fish and Game (Department) has reviewed the above-referenced Notice of Preparation (NOP), for a Supplemental Environmental Impact Report (SEIR) relative to impacts to biological resources. The following statements and comments have been prepared pursuant to the Department's authority as Trustee Agency with jurisdiction over natural resources affected by the project (CEQA Guidelines §15386) and pursuant to our authority as a Responsible Agency under CEQA Guidelines Section 15381 over those aspects of the proposed project that come under the purview of the California Endangered Species Act (Fish and Game Code §2050 *et seq.*) and Fish and Game Code Section 1600 *et seq.*

The project applicant is proposing seven single-family residential lots on the 127-acre "Hunt Club" property located within the Coto de Caza Specific Plan. In addition to the seven single-family residential lots and extension of the access road and utilities, the applicant is also proposing a project design feature that includes the restoration of coastal sage habitat on-site and in nearby areas as compensation for the areas impacted by the grading necessary to extend the access road and to prepare the building pads for the proposed single-family residential development. Project implementation will require the approval of a Specific Plan Amendment and approval of a tentative tract map.

The Department offers the following comments and recommendations to assist Orange County in avoiding or minimizing potential project impacts on biological resources.

Project Specific Comments

The NOP indicates that the County of Orange (County) is a participant in the southern subregion Natural Community Conservation Plan/Habitat Conservation Plan (NCCP/HCP). However, a NCCP was not completed for the southern subregion. As a signatory to the HCP and the Implementation Agreement the County has Federal regulatory coverage for the take of covered species and covered vegetation for planned projects associated with the HCP under federal regulations, but the HCP does not provide coverage for state listed species or provide CEQA compliance for effects to sensitive plant and animal species.

Conserving California's Wildlife Since 1870

General Comments

Biological Resources within the Project's Area of Potential Effect

1. The NOP indicates the project is designed to avoid Department jurisdiction, pursuant to Fish and Game Code 1600 *et seq.*, but does not indicate whether areas of Department jurisdiction can be feasibly avoided. The Department has responsibility for wetland and riparian habitats. It is the policy of the Department to strongly discourage development in wetlands or conversion of wetlands to uplands. We oppose any development or conversion which would result in a reduction of wetland acreage or wetland habitat values, unless, at a minimum, project mitigation assures there will be "no net loss" of either wetland habitat values or acreage. Development and conversion include but are not limited to conversion to subsurface drains, placement of fill or building of structures within the wetland, and channelization or removal of materials from the streambed. All wetlands and watercourses, whether intermittent or perennial, should be retained and provided with substantial setbacks which preserve the riparian and aquatic values and maintain their value to on-site and off-site wildlife populations. Mitigation measures to compensate for impacts to mature riparian corridors must be included in the SEIR and must compensate for the loss of function and value of a wildlife corridor.

The Department also has regulatory authority over activities in streams and/or lakes that will divert or obstruct the natural flow, or change the bed, channel, or bank (which may include associated riparian resources) of a river or stream, or use material from a streambed. For any such activities, the project applicant (or "entity") must provide written notification to the Department pursuant to Section 1600 *et seq.* of the Fish and Game Code. Based on this notification and other information, the Department determines whether a Lake and Streambed Alteration Agreement (LSA) with the applicant is required prior to conducting the proposed activities. The Department's issuance of a LSA for a project that is subject to CEQA will require CEQA compliance actions by the Department as a responsible agency. The Department as a responsible agency under CEQA may consider the local jurisdiction's (lead agency) Negative Declaration or Environmental Impact Report for the project. To minimize additional requirements by the Department pursuant to Section 1600 *et seq.* and/or under CEQA, the document should fully identify the potential impacts to the stream or riparian resources and provide adequate avoidance, mitigation, monitoring and reporting commitments for issuance of the LSA.¹

2. To enable the Department to adequately review and comment on the proposed project from the standpoint of the protection of plants, fish and wildlife, we recommend the following information be included in the SEIR.
 - a) A complete discussion of the purpose and need for, and description of, the proposed project, including all staging areas and access routes to the construction and staging areas.
 - b) A range of feasible alternatives to ensure that alternatives to the proposed project are fully considered and evaluated; the alternatives should avoid or otherwise minimize impacts to sensitive biological resources. Specific alternative locations should be evaluated in areas with lower resource sensitivity where appropriate.

¹ A notification package for a LSA may be obtained by writing to: Department of Fish and Game, 4949 Viewridge Avenue, San Diego, CA 92123, by calling (858) 636-3160, or by accessing the Department's web site at www.dfg.ca.gov/1600.

- c) Specific alternative locations should be evaluated in areas with lower resource sensitivity where appropriate.
3. To provide a complete assessment of the flora and fauna within and adjacent to the project area, with particular emphasis upon identifying endangered, threatened, sensitive, and locally unique species and sensitive habitats. The SEIR should include the following information.
- a) Per CEQA Guidelines, Section 15125(c), information on the regional setting that is critical to an assessment of environmental impacts, with special emphasis should be placed on resources that are rare or unique to the region.
 - b) A thorough assessment of rare plants and rare natural communities, following the Department's *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities* (see <http://www.dfg.ca.gov/habcon/plant/>), (hard copy available upon request).
 - c) A current inventory of the biological resources associated with each habitat type on site and within the area of potential effect. The Department's California Natural Diversity Data Base in Sacramento should be contacted at (916) 322-2493 or www.dfg.ca.gov/biogeodata/ to obtain current information on any previously reported sensitive species and habitat, including Significant Natural Areas identified under Chapter 12 of the Fish and Game Code.
 - d) An inventory of rare, threatened, and endangered, and other sensitive species on site and within the area of potential effect. Species to be addressed should include all those which meet the CEQA definition (see CEQA Guidelines, §15380). This should include sensitive fish, wildlife, reptile, and amphibian species. Seasonal variations in use of the project area should also be addressed. Focused species-specific surveys, conducted at the appropriate time of year and time of day when the sensitive species are active or otherwise identifiable, are required. Acceptable species-specific survey procedures should be developed in consultation with the Department and the U.S. Fish and Wildlife Service.

Analyses of the Potential Project-Related Impacts on the Biological Resources

4. To provide a thorough discussion of direct, indirect, and cumulative impacts expected to adversely affect biological resources, with specific measures to offset such impacts, the following should be addressed in the SEIR.
- a) A discussion of impacts associated with increased lighting, noise, human activity, changes in drainage patterns, changes in water volume, velocity, and quality, soil erosion, and /or sedimentation in streams and water courses on or near the project site, with mitigation measures proposed to alleviate such impacts should be included.
 - b) Discussions regarding indirect project impacts on biological resources, including resources in nearby public lands, open space, adjacent natural habitats, riparian ecosystems, and any designated and/or proposed or existing reserve lands (e.g., preserve lands associated with a draft Natural Community Conservation Plan). Impacts on, and maintenance of, wildlife corridor/movement areas, including access to

undisturbed habitats in adjacent areas, should be fully evaluated and provided. A discussion of potential adverse impacts from lighting, noise, human activity, exotic species, and drainage. The latter subject should address: project-related changes on drainage patterns on and downstream of the project site; the volume, velocity, and frequency of existing and post-project surface flows; polluted runoff; soil erosion and/or sedimentation in streams and water bodies; and post-project fate of runoff from the project site. The discussions should also address the proximity of the extraction activities to the water table, whether dewatering would be necessary, and the potential resulting impacts on the habitat, if any, supported by the groundwater.

- c) The zoning of areas for development projects or other uses that are nearby or adjacent to natural areas may inadvertently contribute to wildlife-human interactions. A discussion of possible conflicts and mitigation measures to reduce these conflicts should be included in the environmental document.
- d) A cumulative effects analysis should be developed as described under CEQA Guidelines Section 15130. General and specific plans, as well as past, present, and anticipated future projects, should be analyzed relative to their impacts on similar plant communities and wildlife habitats.

Mitigation for the Project-related Biological Impacts

- 5. The SEIR should include measures to fully avoid and otherwise protect Rare Natural Communities (Attachment 1) from project-related impacts. The Department considers these communities as threatened habitats having both regional and local significance.
- 6. The SEIR should include mitigation measures for adverse project-related impacts to sensitive plants, animals, and habitats. Mitigation measures should emphasize avoidance and reduction of project impacts. For unavoidable impacts, on-site habitat restoration or enhancement should be discussed in detail. If on-site mitigation is not feasible or would not be biologically viable and therefore not adequately mitigate the loss of biological functions and values, off-site mitigation through habitat creation and/or acquisition and preservation in perpetuity should be addressed.
- 7. For proposed preservation and/or restoration, the SEIR should include measures to perpetually protect the targeted habitat values from direct and indirect negative impacts. The objective should be to offset the project-induced qualitative and quantitative losses of wildlife habitat values. Issues that should be addressed include restrictions on access, proposed land dedications, monitoring and management programs, control of illegal dumping, water pollution, increased human intrusion, etc.
- 8. In order to avoid impacts to nesting birds, the SEIR should require that clearing of vegetation, and when biologically warranted construction, occur outside of the peak avian breeding season which generally runs from February 1 through September 1 (as early as January 1 for some raptors). If project construction is necessary during the bird breeding season, a qualified biologist should conduct a survey for nesting birds, within three days prior to the work in the area, and ensure no nesting birds in the project area would be impacted by the project. If an active nest is identified, a buffer shall be established between the construction activities and the nest so that nesting activities are not interrupted. The buffer shall be a minimum width of 300 feet (500 feet for raptors), shall be delineated by temporary fencing, and shall remain in effect as long as construction is occurring or until the

nest is no longer active. No project construction shall occur within the fenced nest zone until the young have fledged, are no longer being fed by the parents, have left the nest, and will no longer be impacted by the project.

9. The Department generally does not support the use of relocation, salvage, and/or transplantation as mitigation for impacts to rare, threatened, or endangered species. Studies have shown that these efforts are experimental in nature and largely unsuccessful.
10. Plans for restoration and revegetation should be prepared by persons with expertise in southern California ecosystems and native plant revegetation techniques. Each plan should include, at a minimum: (a) the location of the mitigation site; (b) the plant species to be used, container sizes, and seeding rates; (c) a schematic depicting the mitigation area; (d) planting schedule; (e) a description of the irrigation methodology; (f) measures to control exotic vegetation on site; (g) specific success criteria; (h) a detailed monitoring program; (i) contingency measures should the success criteria not be met; and (j) identification of the party responsible for meeting the success criteria and providing for conservation of the mitigation site in perpetuity.

Thank you for this opportunity to provide comment. Please contact Mr. Matt Chirdon, Environmental Scientist, at (760) 757-3734 if you should have any questions and for further coordination on the proposed project.

Sincerely,



Edmund Pert
Regional Manager
South Coast Region

Attachment: Sensitivity of Top Priority Rare Natural Communities in Southern California

cc: State Clearinghouse, Sacramento
Matt Chirdon, CDFG, Oceanside

Sensitivity of Top Priority Rare Natural Communities in Southern California

Sensitivity rankings are determined by the Department of Fish and Game, California Natural Diversity Data Base and based on either number of known occurrences (locations) and/or amount of habitat remaining (acreage). The three rankings used for these top priority rare natural communities are as follows:

- S1.# Fewer than 6 known locations and/or on fewer than 2,000 acres of habitat remaining.
- S2.# Occurs in 6-20 known locations and/or 2,000-10,000 acres of habitat remaining.
- S3.# Occurs in 21-100-known locations and/or 10,000-50,000 acres of habitat remaining.

The number to the right of the decimal point after the ranking refers to the degree of threat posed to that natural community regardless of the ranking. For example:

- S1.1 = very threatened
- S2.2 = threatened
- S3.3 = no current threats known

Sensitivity Rankings (February 1992)

<u>Rank</u>	<u>Community Name</u>
S1.1	Mojave Riparian Forest Sonoran Cottonwood Willow Riparian Mesquite Bosque Elephant Tree Woodland Crucifixion Thorn Woodland Allthorn Woodland Arizonan Woodland Southern California Walnut Forest Mainland Cherry Forest Southern Bishop Pine Forest Torrey Pine Forest Desert Mountain White Fir Forest Southern Dune Scrub Southern Coastal Bluff Scrub Maritime Succulent Scrub Riversidean Alluvial Fan Sage Scrub Southern Maritime Chaparral Valley Needlegrass Grassland Great Basin Grassland Mojave Desert Grassland Pebble Plains Southern Sedge Bog Cismontane Alkali Marsh

- S1.2 Southern Foredunes
 Mono Pumice Flat
 Southern Interior Basalt Flow Vernal Pool
- S2.1 Venturan Coastal Sage Scrub
 Diegan Coastal Sage Scrub
 Riversidean Upland Coastal Sage Scrub
 Riversidean Desert Sage Scrub
 Sagebrush Steppe
 Desert Sink Scrub
 Mafic Southern Mixed Chaparral
 San Diego Mesa Hardpan Vernal Pool
 San Diego Mesa Claypan Vernal Pool
 Alkali Meadow
 Southern Coastal Salt Marsh
 Coastal Brackish Marsh
 Transmontane Alkali Marsh
 Coastal and Valley Freshwater Marsh
 Southern Arroyo Willow Riparian Forest
 Southern Willow Scrub
 Modoc-Great Basin Cottonwood Willow Riparian
 Modoc-Great Basin Riparian Scrub
 Mojave Desert Wash Scrub
 Engelmann Oak Woodland
 Open Engelmann Oak Woodland
 Closed Engelmann Oak Woodland
 Island Oak Woodland
 California Walnut Woodland
 Island Ironwood Forest
 Island Cherry Forest
 Southern Interior Cypress Forest
 Bigcone Spruce-Canyon Oak Forest
- S2.2 Active Coastal Dunes
 Active Desert Dunes
 Stabilized and Partially Stabilized Desert Dunes
 Stabilized and Partially Stabilized Desert Sandfield
 Mojave Mixed Steppe
 Transmontane Freshwater Marsh
 Coulter Pine Forest
 Southern California Fellfield
 White Mountains Fellfield
- S2.3 Bristlecone Pine Forest
 Limber Pine Forest

RANCHO MISSION VIEJO

July 1, 2010

Mike Balsamo
Manager, General Communities Planning Unit
Orange County Public Works Department
OC Planning
300 N. Flower Street
P.O. Box 4048
Santa Ana, CA 92702-4048

Subject: Notice of Intent to Prepare Draft Supplemental EIR 608 to FEIR #401;
Coto de Caza Specific Plan Amendment/Tentative Tract Map 17325

Dear Mike:

Thank you for the opportunity to review and provide comments on the subject NOP. Rancho Mission Viejo (RMV) together with the County and the Santa Margarita Water District are Participating Landowners in the Southern Subregion Habitat Conservation Plan (SSHCP). The SSHCP was approved by the U.S. Fish and Wildlife Service (USFWS) in January of 2007 after an extensive public participation process. In summary the Conservation Strategy contained in the SSHCP consists of 4 elements:

- A permanent habitat reserve (the Southern Subregion Habitat Reserve)
- A Habitat Reserve Management and Monitoring Program (HRMP)
- Regulatory coverage for Covered Activities and designated Covered Species
- An Implementation Agreement and associated funding assurances.

The Southern Subregion Habitat Reserve consists of 11,950 acres of County parklands (O'Neill, Caspers and Riley) and 20,868 acres owned by RMV. Together these habitat reserve acres provide (A) large blocks of natural vegetation communities that provide habitat for covered species; (B) 'important' and 'major' populations of the covered species in key locations; (C) wildlife corridors and habitat linkages that connect the large habitat blocks and covered species populations to each other, the Cleveland National Forest and the adjacent Orange County Central-Coastal NCCP/HCP; and (D) the underlying hydrogeomorphic processes that support the major vegetation communities providing habitat for the covered species. We have attached Figure 168-M from the SSHCP which illustrates the Habitat Reserve and its associated ownerships.



RMV has closely reviewed the location of proposed TTM 17325 and based on the data available to us, it appears that the proposed project is located within the Southern Subregion Habitat Reserve. We have prepared Figure 1 to illustrate the location of the boundaries of the habitat reserve adjacent to Coto de Caza in the vicinity of the proposed project. We respectfully request the County investigate the habitat reserve boundaries in the vicinity of the proposed project and draw its own conclusions regarding whether or not the project is within the Habitat Reserve boundary. If the County makes a determination that this is the case, we respectfully request the Supplemental EIR address the following provisions of the SSHCP:

- (1) Section 6.2 Conservation Strategy Provisions for Subareas 1,2,3 and 4 – Subarea 3

The following voluntary program ("Coto de Caza Opt-In-Program"), to be administered by County, is available for consideration by landowners within Subarea 3 as an optional means of complying with (1) applicable FESA requirements as an alternative to developing individual HCPs, or where applicable, take coverage through project specific Section 7 consultations; and/or (2) applicable CESA requirements. The required elements of this regulatory compliance option include the following:

- *All development shall avoid Conserved Vegetation Communities, including coastal sage scrub occupied by gnatcatchers and cactus occupied by cactus wrens to the maximum extent practicable;*
- *Mitigation of unavoidable impacts to Conserved Vegetation Communities not occupied by Covered Species at a 1:1 ratio, with on-site avoidance habitat protected by a conservation easement in a form agreed to by the Wildlife Agencies and the County, and credited toward the mitigation ratio;*
- *Mitigation of unavoidable impacts to Conserved Vegetation Communities occupied by Covered Species shall occur at a 2:1 ratio, with on-site avoidance habitat protected by a conservation easement in a form agreed to by the Wildlife Agencies and the County, and credited toward the mitigation ratio;*
- *To the extent that the project site cannot accommodate the 2:1 habitat mitigation ratio requirement on site, a mitigation fee of \$64,000 per acre for impacts on Conserved Vegetation Communities (to be adjusted annually for inflation), reflecting the costs of restoring/creating the subject vegetation communities, shall be paid to the County for use exclusively in conjunction with the HRMP (with first priority for funding to be allocated to invasive species eradication in Subarea 3, second*

priority to habitat restoration and third priority to overall Habitat Reserve management);

- Any impacted cactus habitat shall, to the maximum extent practicable, be translocated to the fuel modification zone of the project;
- In addition to feasible translocation of impacted cactus plants, cactus (including *opuntia*) shall be planted extensively within the fuel modification zone; and
- CC&Rs will be recorded requiring each landowner to eradicate invasive plant species on its property, including upon notice from any governmental agency.

County shall issue a "Certificate of Inclusion" to each Subarea 3 landowner participating in the voluntary program upon County's certification that the landowner has satisfied all regulatory compliance measures, including those identified above. The Certificate of Inclusion shall be incorporated into the development approval issued by County to the landowner as a term and condition thereof, and shall serve to extend the County's Take coverage to the landowner conditioned on the landowner's compliance with the Certificate of Inclusion applicable provisions of the Conservation Strategy and governing federal and state laws and regulations. County shall enforce and monitor each landowner's compliance with the requirements of this section and include in its annual report a summary of all habitat disturbed and avoidance and mitigation measures implemented. In addition, County shall include a separate accounting of all funds received by County and disbursed pursuant to this Section.

County shall take all necessary and appropriate actions utilizing its land use permit enforcement procedures to enforce the terms of the NCCP/MSAA/HCP, this Agreement and the Permits as incorporated into the Certificates of Inclusion against each participating Subarea 2 landowner. Provided County takes actions within its authorities to enforce compliance with the terms of the Certificates of Inclusion, the NCCP/MSAA/HCP, this Agreement and the Permits, a violation by such landowner shall not be a basis to suspend or revoke that portion of the County's Permits applicable to the Coto de Caza Opt-In Program, unless USFWS or CDFG determines that continuation of that portion of the Permits applicable to the Coto de Caza Opt-In Program would appreciably reduce the likelihood of the survival and recovery of a Covered Species in the wild, or USFWS or CDFG determined that the violation renders County unable to successfully implement the NCCP/MSAA/HCP."

(2) Section 15.4 Amendments

(a) Amendments to the NCCP/MSAA/HCP may be proposed by any Party to this Agreement. The Party proposing the amendment shall provide to the other affected Parties and the Wildlife Agencies a statement of the reason(s) for the amendment and an analysis of the effect of the amendment on the Conservation Strategy, including Covered Activities, Covered Species, Conserved Vegetation Communities and CDFG Jurisdictional Areas, as applicable. It is contemplated that this Agreement may be amended, pursuant to paragraph (d), in circumstances not requiring amendment of the NCCP/MSAA/HCP. Amendments to the Conservation Strategy affecting only one Participating Landowner, and not significantly affecting that Participating Landowner's commitments to the Conservation Strategy, may be approved by the Wildlife Agencies and that Participating Landowner.

(b) Minor Amendments include, but are not limited to, combinations of adding and removing land from the Habitat Reserve which result in no net loss of Habitat Reserve acreage and no long-term net loss of subregional habitat value. Minor Amendments to the NCCP/MSAA/HCP shall not require amendment of this Agreement or any of the Permits. Minor Amendments affecting provisions of Conservation Easements on RMP Habitat Reserve Lands or land designated for inclusion in the Habitat Reserve shall require the written approval of RM, the Wildlife Agencies and Grantee of the Conservation Easement, each which shall approve or deny the proposed amendment within ninety (90) days of receipt of the proposal. Minor Amendments affecting County Habitat Reserve land or land designated for inclusion in the Habitat Reserve by County shall require the written approval of the County and the Wildlife Agencies. In conjunction with the foregoing, all Minor Amendments shall be submitted to the Wildlife Agencies for review at least 45-days prior to their approval. If either USFWS or CDFG determines within 45 days of receipt of a proposed amendment that a proposed amendment to the NCCP/MSAA/HCP is a Major Amendment, the Parties to the Agreement shall process the proposed amendment as described in paragraph (c), below. If the Wildlife Agencies fail to respond within the 45 day-period, the Minor Amendment may be approved. Any Party may institute the informal meet and confer process set forth in Section 18.6 of this Agreement to resolve disagreements concerning Minor Amendments, provided that either Wildlife Agencies' determination to approve or disapprove a Minor Amendment or determination that a proposed Minor Amendment must be processed as a Major Amendment shall be binding on all Parties. The Administrator shall have responsibility for maintaining an

appropriate record of all Minor Amendments to the NCCP/MSAA/HCP, this Agreement and the Permits, as appropriate.

(c) Except as otherwise determined by USFWS or CDFG pursuant to subsection (b), above, Major Amendments include, but are not limited to, changes in the following: (1) the boundaries of the Habitat Reserve resulting in a net loss of Habitat Reserve acreage and net loss of Subregional habitat value and (2) addition or removal of a species from the list of Covered Species, and 3) changes to the Covered Activities, Covered Lands or identified or enrolled Habitat Reserve lands that were not analyzed as part of the original NCCP/MSAA/HCP and EIS/EIS and would result in material changes to the plan and/or new or potentially different significant impacts to the environment, including a Covered Species. Major Amendments to the NCCP/MSAA/HCP shall require an amendment of this Agreement and, if determined necessary by the issuing agency(ies), the applicable Permit(s). The Party proposing the Major Amendment shall circulate to the other Parties a statement of the reason for the amendment and an analysis of the effect of the amendment on the Conservation Strategy, including Covered Activities, Covered Species, Conserved Vegetation Communities and CDFG Jurisdictional Areas, and measures proposed to provide for appropriate mitigation of the change and conservation equivalency, as applicable. Public notice shall be given as required by applicable laws and regulations. USFWS shall make reasonable efforts to process any proposed amendment of the Section 10(a) Permits within one hundred eighty (180) days of publication in the Federal Register except where longer time lines are imposed by requirements of law, including NEPA. CDFG shall make every effort to adhere to a similar time frame for any Permit change it processes.

(d) This Agreement may be amended only in a writing signed by all of the Parties. Only those proposed amendments to the Agreement that would materially modify the legal rights and obligations of the Parties under the Agreement or implement Major Amendments to the NCCP/MSAA/HCP as defined in (c) shall require amendment of the Permits.

(e) A transfer of property pursuant to, or in lieu of, a condemnation of a portion of the Future RMV Habitat Reserve Dedication Areas or RMV Habitat Reserve Lands shall not require any amendments to the NCCP/MSAA/HCP, this Agreement or the Permits if the condemnation or transfer in lieu of condemnation is for a project/activity that has received its own permits from the Wildlife Agencies with impacts on Covered Species. Conserved Vegetation Communities and CDFG Jurisdictional Areas mitigated in accordance with the Wildlife Agencies' statutory and regulatory requirements.

Mr. Mike Balsamo
July 1, 2010
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Again, RMV appreciates the opportunity to provide these comments. Should you have any questions regarding the comments, please feel free to contact me at (949) 240-3363 Ext 297 or via email at lcoley Eisenberg@ranchomv.com.

Sincerely



Laura Coley Eisenberg
Vice President, Open Space & Resource Management

Attachments

Cc: Karen Goebel, USFWS
Richard Broming, RMV

Planning Area Development

PA 1	= 566 acres
PA 2	= 895 acres
PA 3	= 2,171 acres
PA 4	= 550 acres + 175 acres Reservoir
PA 5	= 1,191 acres
PA 6,7	= 50 acres Citrus
	25 acres Ranch Management
PA 8	= 500 acres maximum
Ortega Rock	
	136 acres permitted impact

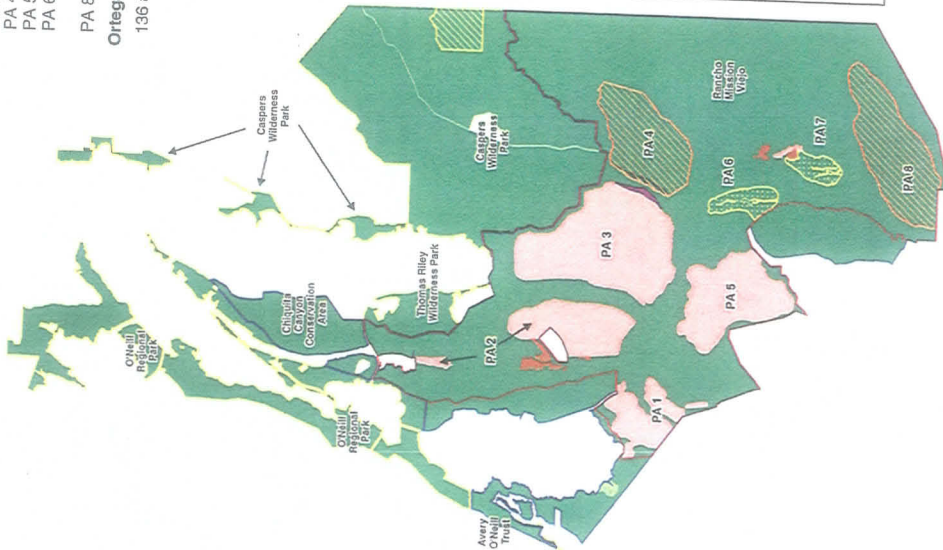


FIGURE 168-M
NCCP/MSAA/HCP
Habitat Reserve Ownership



DUDEK

SOURCE: Digital Globe 2008

S877-01
JUNE 2010

Rancho Mission Viejo

Habitat Reserve Boundary and Ownership Boundary Adjacent to Coto de Caza

FIGURE 1